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Whither Albertan "Independence?"
How Indigenous Diplomacy Defeated Separatists

by Michael Fabris

LAST MONTH, on October 19th, the Alberta separatist movement experienced a significant defeat in the province-wide referendum. The referendum included a total of 10 questions ranging from Alberta immigration policies to constitutional concerns, with the final question on the ballot specifically addressing separation:

> Should Alberta remain a province of Canada, or should the Government of Alberta commence the legal process required under the Canadian Constitution to hold a binding provincial referendum on whether or not Alberta should separate from Canada?

By choosing Option 1, Alberta residents were voting in favour of their province remaining in Canada, and in the end, roughly 75% of voters selected this option.

For Indigenous Nations whose territories pre-date and span the entirety of what is currently Alberta, the rise of this separatist movement is a serious concern. As Cree scholar Matthew Wildcat points out, for Indigenous peoples (and many others living within Alberta), "the real danger here is not Alberta's separation, but the separatist movement and the type of politics they hold." It is no surprise then, that Indigenous communities have been at the forefront in challenging the separatist movement in Alberta, especially various First Nations Confederations, such as the Confederacies of Treaty 6, Treaty 8, and the Blackfoot Confederacy.

The First Nation Referendum Vote

Following October 19th, media coverage on the referendum and its various political implications — be it provincial, national, or international — included little to no discussion of the particular role Indigenous Nations played in opposing Alberta separatism. There are exceptions, such as Lisa Young, political scientist and frequent commentator on Alberta politics, whose commentary consistently acknowledged the leadership of Treaty Confederacies "who stepped in to raise essential constitutional questions." But Young was one of very few.

The results of the referendum, in terms of voter turnout and the rejection of the separatist movement by such a wide margin, is understandably the big story. But that narrative should include the overwhelming participation from First Nations, who showed up in unprecedented numbers to cast votes against the separatist movement.

For example, the two largest Blackfoot communities within Alberta (Siksika and Kainai) are located in the Cardston-Siksika riding, one of the few electoral districts where the vote on separation was much closer than the province-wide average (only 56% of Cardston-Siksika voted in favour of Alberta remaining in Canada). However, at the two reserve polling stations, over 2,500 people voted, and 98.5% chose Alberta to remain in Canada. This is roughly 14.5% of the total votes cast in that riding, and a reflection of the successful "Get out the Vote" campaign by First Nations activists.

At the same time, First Nations were at the forefront of challenging the separatist movement long before October 19th and must remain a central part of any analysis or assessment of the referendum results. In fact, the referendum's rather confusing, double-barreled question ("Do you choose option 2, which means you are voting yes to possibly voting again in the future on the question of separation?") is the direct result of First Nations' success in

challenging the Alberta Prosperity Project's petition campaign through the Courts. And though Alberta Premier Danielle Smith's UCP government enacted legislative changes twice during 2025 to make it easier for the separatist movement to petition for this referendum question, legal challenges to the petition campaign by First Nations successfully halted the petition process.

Strategic Litigation: Opposing Separatism While Defending Sovereignty

The arguments and legal strategies First Nations mobilized prior to the October 19th referendum not only posed a significant challenge to the separatist movement — they also revealed precisely why First Nations are so adamantly opposed to this movement. First, there is the defence of Indigenous jurisdiction. Second, though related, the referendum presented another opportunity to assert meaningful treaty-based relationships within Alberta.

For both Indigenous and non-Indigenous people, the Alberta separatist movement poses a range of threats. Separatism has been criticized as an environmentally destructive, far-right, blatantly racist, anti-trans, and xenophobic movement. The question of Alberta remaining part of Canada is very much an explicitly political question in the sense that Alberta separatism is an attempt to reinforce a particular kind of "Maple MAGA" politics within and beyond the province's borders.

And yet, the First Nations and First Nation Confederacies that came together to oppose this movement repeatedly expressed their opposition to separatism as a matter of *law*. Settler-stream discussions of Alberta separatism compare the movement's goals against Canadian desires to "preserve the dream of federalism." In contrast, statements by Indigenous leaders, writers, activists, academics, band councils, and treaty organizations have prioritized Indigenous issues, rights, and jurisdiction in their arguments against the separatist movement. For example, in a statement from January 2026 that opposed Alberta separatism, the Blackfoot Confederacy declared:

> As sovereign Nations, our relationship to these lands did not begin with Alberta… Our authority comes from the Creator, from Natural Law, and from the promises made between our ancestors in the Crown in Treaty 7... Any proposal to separate Alberta from Canada has no jurisdiction over the Blackfoot Confederacy, our lands, our Treaties, or our Nations.

By asserting ongoing claims to jurisdiction over Blackfoot territory — which includes and extends beyond the province of Alberta — this statement reflects Blackfoot understandings of Treaty 7 as a nation-to-nation agreement with the Crown. Within this understanding, Alberta lacks the legal authority to separate from Canada. Alberta separatism is, therefore, a violation of both Blackfoot jurisdiction and the ways in which this jurisdiction is upheld within Treaty 7.

For anyone familiar with Indigenous legal traditions, and how these inform Indigenous interpretations of the numbered treaties with the Crown, the Blackfoot Confederacy's stance on Alberta separatism demonstrates a very common interpretation of treaties as a continuation of "Indigenous peoples' legal, political, economic, spiritual, and societal practices." Influential Blackfoot Scholar, Leroy Little Bear, has characterized Treaty 7 as a reflection of Blackfoot relational philosophy — meaning that strangers coming into Blackfoot territory "will respect the relational network in place."

At the same time, as part of a long tradition of Indigenous peoples making use of Canadian Courts as a way to creatively advance their own understandings of law, jurisdiction, and territorial relationships, First Nations instrumentalized existing treaty rights within Canadian law — however limited, domesticated, and "transactional" — to challenge the Alberta separatist movement.

In May 2026, Alberta Chief Justice Shaina Leonard rejected the Alberta Prosperity Project's separatist petition, based on decisions from two legal challenges: one filed by the Sturgeon Lake Cree Nation, and a second from the Athabasca Chipewyan First Nation and all three Blackfoot Confederacy First Nations within Canada. Chief Justice Leonard ruled against the proposed referendum by relying on Sturgeon Lake and the Blackfoot Confederacy's arguments that a new international border would impact the mobility of First Nations people, and thus directly infringe on hunting, fishing, and harvesting rights that are outlined within the written version of Treaty 7.

A Treaty Education for Separatists

These court cases had significant impacts on the strength and momentum of the separatist movement. Not only did they halt the original petition process, a victory on its own, I argue these successful legal challenges also shook the confidence and viability of the separatist movement. Treaty rights, Section 35, the duty to consult, or how Indigenous nations assert their own understandings of treaties as nation-to-nation agreements may not have been widely understood in Alberta but successful legal challenges by First Nations certainly drew public attention to the various political, economic, legal, and practical concerns in any attempt to formally secede from Canada. Thus, First Nations legal challenges created a climate of uncertainty around the goals and implications of the separatist movement, a climate which contributed to its overwhelming rejection at the polls.

These court cases also represent a continuation of Indigenous peoples' creative attempts to assert our own forms of law, jurisdiction, and interpretation of treaties. To be clear, there is still a disparity between how "treaty rights" are mobilized and interpreted within federal and provincial courts and Indigenous communities' own understandings of treaties. The public statements from the Blackfoot Confederacy and Treaty Confederacies emphasized opposition to the separatist movement as an issue of jurisdiction over Indigenous *lands*, while the subsequent decisions from Chief Justice Leonard relied on much narrower interpretations of treaty rights, where the separatist movement is a violation of Indigenous peoples' rights to *mobility* within and beyond the province.

So, despite Indigenous understandings of treaty, expressed in the public discourse as relationship-based (a core aspect of Indigenous traditions of diplomacy), we can understand First Nations legal challenges to the separatist movement as strategic engagements with treaty rights via the courts.

In other words, communities creatively mobilized rights, however narrowly defined, as one means to assert our own relational understandings of treaty.

Post-Referendum Politics

The Alberta separatist movement, though weakened, is still a part of the overall political landscape, and its supporters remain a significant presence in Alberta, especially in rural areas. Indigenous people living in Alberta still need to navigate this presence on a day-to-day basis: on the streets, while shopping for groceries, attending to medical appointments, and so on. In a statement welcoming the results of the October 19th Referendum, Chief Joey Pete of the Treaty 6 Confederacy stated:

The participation of First Nations in this referendum is not an endorsement of the process or its validity. This was about protecting Treaty and closing the door on a dangerous political game which has been a threat and costly distraction for everyone in this province.

First Nations will thus continue the struggle to uphold, assert, and further strengthen our own visions of treaty relationships, and our own forms of legal jurisdiction, including the complex relationships with our lands, waters, and the range of beings with whom we share these territories. These challenges include the ongoing struggles within Alberta concerning oil and tar sands extraction, pipeline infrastructure, data centre construction, and the protection of our waters, to name but a few. And we need to acknowledge the results of the referendum's other nine questions, where the results were generally much closer, as a telling indication of the continued strength of rightwing politics in Alberta — albeit one that prefers to advance these politics within Canada rather than as part of a separatist project. First Nations continue to challenge these politics, including, significantly, Saddle Lake's decision to defy the provincial government's anti-trans agenda, asserting gender-affirming care is a treaty right and announcing it will provide a safe haven for gender-affirming care within its territories.

The use of Canadian Courts and the ballot box remain limited but potentially effective tools for Indigenous Nations when used as part of wider strategies for asserting Indigenous forms of jurisdiction within and beyond the borders of Alberta. But for now, Indigenous communities have dealt a significant blow to the Alberta separatist movement, a victory worthy of celebration.

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