



New Directions in Aboriginal Policy

Free Public Forum at Mount Royal University

Nickle Theatre (Main Building, West Gate)

Calgary, Alberta, May 5, 2010

Sponsored by:

Mount Royal University's Department of Policy Studies,
Arts Scholarly Events Committee, Office of Provost and Vice-President, Academic,
and the Frontier Centre for Public Policy

8:30-9:00 Coffee

9:00-9:20 Opening Remarks

Sabrina Reed (Associate Dean, Faculty of Arts, Mount Royal University) - Welcome

Frances Widdowson (Mount Royal University) – The Kindly Inquisition Influencing Aboriginal Policy Formulation

9:20-10:00 Keynote Address

Don Sandberg (Frontier Centre for Public Policy) – The State of First Nations in Canada Today

10:00-10:15 Coffee

10:15-12:00 Panel I – Private Property and Native Economic Development (Chair: Kari Roberts)

Tom Flanagan (University of Calgary) – Beyond the Indian Act: Restoring Aboriginal Property Rights

Albert Howard (Independent Researcher) – Field of Dreams: “Building” Aboriginal Economies with Property Ownership

Glenn North Peigan (University of Lethbridge) – The Treaties, Economic Development Funding and Aboriginal Dependency

Joseph Quesnel (Frontier Centre For Public Policy) – The Politics of Cutting Your Losses: Non-viable Reserves and Aboriginal Economic Development

12:00-1:00 Lunch Break

1:00-2:45 Panel II – Aboriginal Sovereignty, Indigenous Nationalism, and the Rule of Law (Chair: Miriam Carey)

Ron Bourgeault (University of Regina) – The Aboriginal National Question: Colonialism, Self-Determination and the New Right

Wes Elliott (Six Nations of the Grand River Territory) – Allies of the Crown: Honouring the Treaties is the Formula for Peace

Gary McHale (CANACE) – The Face of Aboriginal Sovereignty Versus the Rule of Law in Caledonia

Mark Vandermaas (Caledonia Victims Project) – Listening to Victims: A Fresh Approach to Reconciliation and Healing

2:45-3:00 Coffee

3:00-5:00 Panel III – Traditional Cultural Revitalization and Aboriginal Education (Chair: Jennifer Pettit)

Andrew Hodgkins (University of Alberta) – Bilingual Education in Nunavut: Trojan Horse or Paper Tiger?

Joseph Lane (Independent Researcher, Australia) – Aboriginal Educational Successes in Australia: Mass Tertiary Education and the Development of an Indigenous Academic Class

David Newhouse (Trent University) – Canada Meets the Good Mind

Frances Widdowson (Mount Royal University) – The Good Mind and Critical Thinking: Exploring the Implications of “Indigenous Knowledge” Meeting the Academy

5:00-8:00 Reception (Faculty Centre)

New Directions in Aboriginal Policy 2010 - Presenters (in alphabetical order)

Ron Bourgeault (University of Regina)



The Aboriginal National Question: Colonialism, Indigenous Sovereignty and the New Right

This presentation questions current Aboriginal Rights policy as advancing Aboriginal peoples' quest for national self-determination, including self-government. I suggest it has never been an eternal, absolute truth embedded in a legal-constitutional framework. Rather, history has taught us that it has been an intricate part of British colonialism and Canada's National Policy of territorial aggrandizement, resource appropriation, and displacement of Aboriginal peoples. The result has been their unequal incorporation into capitalism, capitalist class relations of exploitation and development, including the erosion of historic cultures and social organization but without collective assimilation. Today, initiatives in the devolution of political power, land claims agreements, and reforming the *Indian Act*, and the cultivation of a comprador Aboriginal business class, all proclaimed as leading to prosperity, are a continuation of that historical legacy and an intricate part of the neo-liberal agenda.

As an alternative, national questions recognize the effect of capitalism on colonized peoples' economies, cultures, and ethnicities. It includes an analysis of historical and present concrete political and economic factors and needs, together with class relations of exploitation and how this all combines to define the national question of historically colonized peoples. The path to national self-determination and development, which includes social, cultural, and ethnic reconstitution, involves not only the necessary economic transformation but also an address of internal and external class relations. Overall, the national question of self-determination as a concept is inclusive of all national groupings within Canada as a nation-state.

Wes Elliott (Six Nations of the Grand River Territory)



Allies of the Crown: Honouring the Treaties is the Formula for Peace

The Great Law of Peace contains the principles which the Creator gave to the Houdensaunee people to live in harmony with one another and the land. This foundation formed the oldest confederacy of nations in the world. It is our Constitution. When European contact came, two wampum belts or treaties, were agreed upon: the Two Row and the Silver Covenant Chain. They became the Law of the Land. Today they are still the Law of the Land. They govern the conduct between our nations. They supercede any laws created for so called justice.

In Caledonia, both treaties have been violated. In Brantford, both treaties have been violated. In negotiations, both have been violated. We have never been conquered. We are the only native nations in Canada that are allies to the Crown. We have our own language, culture and history, but most of all, we uphold our part of the Treaties. The basic understanding of these treaties, the honouring of them, then abiding by them, is the formula for peace.

Tom Flanagan (University of Calgary)



Beyond the Indian Act: Restoring Aboriginal Property Rights

Prior to contact with Europeans, aboriginal people owned and managed lands collectively, and also had individual rights to land and personal possessions. But the Canadian government replaced these indigenous property rights with a set of problematic quasi-property rights. As a result of the *Indian Act*, First Nations are stuck with outdated property rights that hinder them from using their lands and houses in economically efficient ways.

But there is hope. First, for those First Nations that choose to opt into the *Act*, the Crown can transfer underlying title to their reserve lands to the Aboriginal group. This means First Nations, rather than the Crown, would finally own reserve lands. Second, once a First Nation has this underlying title, it could choose to develop and implement more robust forms of collective and individual property on some or all of their lands. Finally, aboriginal groups opting into the act could register their title in a First Nations Torrens Registry, which experience has shown to be the best way of documenting and protecting land titles. Doing so would mitigate problems stemming from the *Indian Act*, such as high transaction costs and insecurity of tenure. This approach would not constitute a magic wand nor would it be appropriate for all First Nations in Canada, but it can be an important tool for those groups who want to move beyond the *Indian Act*, restore their property rights, and maximize the economic freedom of their citizens.

Joseph Lane (Independent Researcher, Australia)



Aboriginal Educational Successes in Australia: Mass Tertiary Education and the Development of an Indigenous Academic Class

In Australia, educational provision until the 1950s was grossly inferior, but from the sixties secondary schooling became available and a handful went on to tertiary education. With the establishment of student support programs at tertiary institutions, Aboriginal numbers rocketed, closely followed by graduations. These graduates have had the freedom to choose to work in the mainstream or in Aboriginal organisations and communities.

But from the earliest days, an alternative path was taken by some institutions - to set aside Aboriginal students in 'Black' courses and discourage enrolment in 'White' courses, usually in lower-level Diploma courses. This approach had its heyday in the nineties but, early in the last decade, universities began to wind down lower-level courses. At the same time, universities have diverted funds provided for Aboriginal student support to the compulsory provision of an Indigenous-focused subject to non-Indigenous students. Aboriginal university staff has been employed from the late seventies, at first mainly in Aboriginal student

support, then more so in teaching positions. A rift developed fairly early between the two initiatives, as Aboriginal teaching staff built themselves up into an elite, working mainly with non-Aboriginal, rather than Aboriginal, students. But, contemporaneous with the defeat of the support approach and development of an Aboriginal academic elite, another phenomenon has occurred: the rapid growth in the proportion of Standard Entry Aboriginal students, who do not require preparation and support to the same degree. These students will find themselves shut out of Aboriginal academia and organizations, where positions have been filled, and will find lifelong work in the mainstream.

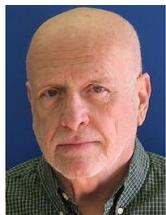
Andrew Hodgkins (University of Alberta)



Bilingual Education in Nunavut: Trojan Horse or Paper Tiger?

On April 1 1999, Nunavut celebrated its tenth anniversary as Canada's newest territory. A decade later, Nunavut is beginning to implement its new Education Act – thus marking a halfway point between the creation of the territory and the twenty-year timeline set to fulfill its original goals. This paper analyses education policy in the territory by specifically examining Thomas Berger's (2006) influential report, *The Nunavut Project*, which forms the basis for the new Education Act. Berger promotes the idea that achieving bilingual education in the K-12 system is required in order to improve graduation rates and increase Inuit participation in the wage economy. Berger's report has been likened to a Trojan Horse required to penetrate the federal government's weak spot – responsibility over language rights in order to increase funding for education. Yet the report has also been criticized for redirecting attention away from socio-economic factors and poverty plaguing the territory by placing the central onus for improvement on the shoulders of schools through enhanced bilingual education. I explore this tension and argue that the Nunavut's Trojan Horse is more akin to a Paper Tiger – impressively ambitious on the outside, yet unlikely to withstand the test of time. I begin by providing relevant statistical information as a context to synopsis both the report's proposed language models and the applicability of two indigenous education models recommended by Berger, Māori "language nests" and Greenlandic education.

Albert Howard (Independent Researcher, Canada)



Field of Dreams: "Building" Aboriginal Economies with Property Ownership

The book, co-authored by Tom Flanagan, Christopher Alcantara and André Le Dressay, *Beyond the Indian Act* argues that private property ownership is crucial to economic development in aboriginal communities. Aside from the questionable assumption that private ownership is a positive social force, this view fails to consider the nature of aboriginal communities and the absence of political, economic and cultural factors that are needed to make economic development possible within a capitalist context. The large majority of aboriginal communities are isolated from markets, and therefore it is unlikely that banks, without government backing, will accept homeownership as a form of security. Besides, is it realistic to assume that aboriginal poverty can be addressed by enabling the native population to become small business owners? Using residential equity as risk capital is poor advice for most homeowners; as the basis for economic policy it invites disaster. The majority of people in industrialized countries make their living through wage labour, and it is hard to see how private property rights will facilitate this transition. Flanagan et al.'s proposals pander to the native leadership's desire to become "businessmen" – a whim extending from the land claims industry that promises money without working for it. Rather than encouraging another form of rentierism, aboriginal policy formulation should focus more on improving aboriginal educational levels so that marginalized Natives can become productive members of Canadian society.

Gary McHale (CANACE)



The Face of Aboriginal Sovereignty Versus the Rule of Law in Caledonia

The romantic vision of Aboriginal sovereignty has been shattered by the reality of the events in both Caledonia and Ipperwash, where the rule of law was subordinated to ad hoc Aboriginal demands based not on the concept of equality and due process, but on cultural superiority and criminal behaviour. The end result has been chaos, violence, destruction, and disruption of economic development.

The United Nations states that "Establishing respect for the rule of law is fundamental to achieving a durable peace in the aftermath of conflict, to the effective protection of human rights, and to sustained economic progress and development. The principle that everyone – from the individual right up to the State itself – is accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, is a fundamental concept which drives much of the United Nations work." Unfortunately, governments have acted out of fear of Aboriginal extremism and out of guilt for past wrongs, replacing the rule of law with appeasement to ensure peace at any cost. This ensures that future violence will occur, and guarantees communities will live in fear and resentment instead of co-existing in peace and co-operation. Gone are the days of people being a law unto themselves such as we have seen in Caledonia and Ipperwash. If Aboriginal communities who seek more autonomy wish to be taken seriously then they need to accept the responsibility of establishing written laws and enforcing them – for their own protection and those of their neighbours.

David Newhouse (Trent University)



Canada Meets the Good Mind

Over a 30-year period, the Department of Indigenous Studies at Trent University has attempted to bring Indigenous Knowledge into the intellectual life of the institution. Bringing Indigenous peoples into the academy is a fairly straightforward project. It is, however, only the start of a new intellectual project in Canada: the creation of Indigenous universities and the creation of Indigenous spaces in Canadian universities. Both projects involve more than the physical presence of Indigenous peoples. They involve an active teaching and research engagement with the knowledge that Indigenous peoples have created over millennia.

Glenn North Peigan (University of Lethbridge)



The Treaties, Economic Development Funding and Aboriginal Dependency

Historically, Aboriginal people have been asked to “step aside” when it has come to economic development in their communities. Instead of providing funds to facilitate Native participation in businesses and the workforce, as has occurred with respect to a number of immigrant groups, governments have mainly focused on the provision of social assistance. This has entrenched Aboriginal dependency and marginalization. Any future efforts to improve the economic circumstances of the Indigenous population must recognize that respecting the treaties is a necessary step in achieving Aboriginal self-reliance and meaningful participation in Canadian society.

Joseph Quesnel (Frontier Centre for Public Policy)



The Politics of Cutting Your Losses: Non-viable Reserves and Aboriginal Economic Development

This talk will discuss a recent research paper on relocation of non-viable First Nation reserves. By first defining what characteristics these reserves share, the options available to First Nation communities who believe they have exhausted all of their economic options will be examined. In particular, there will be an evaluation of whether the current treaty land entitlement and specific claims processes can allow for community relocations closer to urban centres. Along the way, this discussion will look at Canada's historic political economy and notions of indigenous identity.

Don Sandberg (Frontier Centre for Public Policy)



The State of First Nations in Canada Today

This discussion will look at where First Nation communities were 30 years ago and how the industry has evolved to its present state and the paths they must now take if we are to move forward as real players in the economy, with the eventual goal of becoming self sufficient and viable communities.

Mark Vandermaas (Caledonia Victims Project)



Listening to Victims: A Fresh Approach to Reconciliation and Healing

Until now, victims of ‘aboriginal sovereignty’ protesters in Caledonia and Ipperwash have not had a voice at the policy discussion table. The importance of this is underscored by disastrously flawed policy-making caused by the callous lack of concern and inclusion afforded non-aboriginal victims by government, police, NGOs and sovereignty proponents. This ‘disconnect’ makes the goal of reconciliation a practical impossibility. It is also important to recognize that Aboriginals, too, have been victims of policing policies that allow illegal occupation sites to become lawless ‘home-free zones’ for rape, assault, arson, drug use and gun violence. One might also argue that the use of children to assist in the violent takeover of Camp Ipperwash was a form of child abuse.

Although the Ontario government ostensibly defends its handling of the Caledonia crisis on the premise it is following recommendations of the Ipperwash Inquiry, it knows full well the Inquiry *never studied* the issue of aboriginal violence against innocent residents, or the effects of racial policing in escalating violence even though, according to the town’s CAO, the events at Ipperwash - including the demise of Dudley George - were caused by unequal law enforcement in the years *prior* to Mr. George’s death. The deliberate misapplication of intellectually dishonest recommendations represents a tragic and dangerous policy fraud with far-reaching consequences. The path to healing and reconciliation, or even sovereignty itself, requires a far more mature and intellectually honest approach than has been seen to date in aboriginal policy development. The urgency and importance of rigorous research that is inclusive of victims cannot be overstated.

Frances Widdowson (Mount Royal University)



The Good Mind and Critical Thinking: Exploring the Implications of “Indigenous Knowledge” Meeting the Academy

In his article “Ganigonhi:oh: The Good Mind Meets the Academy”, David Newhouse examines the attempts of Trent University to incorporate “Indigenous Knowledge” (IK) into the academy. Newhouse maintains that Trent’s mission is necessary so that reason can be “tempered by passion”. While this position seems innocuous on the surface, since emotional intensity and social concern can motivate the pursuit of truth, a closer reading of the article raises questions about what is meant by “passion”, and how it will interact with the acquisition of critical thinking skills that are needed to develop intellectually. In fact, Newhouse’s arguments appear to give credence to the ideas that spiritual beliefs are a form of “knowledge” and that “IK-holders” should be shielded from academic scrutiny.