

PUBP 812.3: Aboriginal Peoples and Public Policy

	University of Regina Campus	University of Saskatchewan Campus
Instructor:	Not currently offered at the U of R	Evelyn Peters
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Office Location:		156 Diefenbaker Centre
Term:		Winter 2010
Room:		162 Diefenbaker Centre
Time:		Tuesdays 1:00 – 3:50 p.m.

CALENDAR DESCRIPTION

Begins with the historic framework for contemporary public policy established by Treaties, reserves and legislation. Then is examines contemporary developments including constitutional negotiations, influential court cases, urbanization, comprehensive claims and self-government.

COURSE CONTENT AND APPROACH

Many areas of Canadian public policy are of interest to Aboriginal peoples in Canada, for example governance, land, resources, social policy, environment, international relations, economic development, culture, language, and others. This course attempts to build a basis for understanding key debates in such public policy fields by focusing first on historic legacy of contact between Aboriginal peoples and settler populations. Then we turn to some more contemporary developments, including constitutional negotiations, influential court cases, urbanization, comprehensive claims and self-government. The subject matter for this course is extensive. The course outline is designed to provide an overview to selected topics so that you can do further research and thinking on these themes.

This is a seminar course with some lecture designed to cover basic materials. You are expected to attend every class and be prepared to discuss the required readings for that week.

REQUIRED READINGS

Required readings will be available in a binder for photocopying.

I. The Historic Legacy

A. Treaties and Dispossession

Primary Readings

Carter, S. (1991) Two Acres and a Cow: 'Peasant' Farming for the Indians of the Northwest, 1889-1897. In *Sweet Promises: A Reader on Indian-White Relations in Canada*, ed J.R. Miller, 353-377. Toronto, ON: University of Toronto Press.

Raby, S. (1973) Indian Land Surrenders in Southern Saskatchewan. *Canadian Geographer*, 17, 1:36-52.

Tobias, J.L. (1991) Canada's Subjugation of the Plains Cree, 1879-1885. In *Sweet Promises: A Reader on Indian-White Relations in Canada*, ed J.R. Miller, 212-240. Toronto, ON: University of Toronto Press.

Additional Readings

Miller, J.S. (2004) A Strong Promise: Treaties, *Lethal Legacy*, McClelland & Stewart Ltd., Toronto, 106-163

Morris, The Hon. A. (1880) The Treaties at Forts Carlton and Pitt, *The Treaties of Canada with the Indians*, Belfords, Clarke & Co, Reprinted by Fifth House Publishers, Saskatoon, 1991, 351-361

B. The Indian Act and Amendments

Primary Readings

Tobias, J.L. (1991) Protection, Civilization, Assimilation: An Outline History of Canada's Indian Policy. In *Sweet Promises: A Reader on Indian-White Relations in Canada*, ed J.R. Miller, 127-144. Toronto, ON: University of Toronto Press.

Milloy, J.S. (1991) The Early Indian Acts: Developmental Strategy and Constitutional Change. In *Sweet Promises: A Reader on Indian-White Relations in Canada*, ed J.R. Miller, 147-154. Toronto, ON: University of Toronto Press.

Additional Readings

Miller, J.S. (2004) Designer Labels: Shaping Aboriginal Identity, *Lethal Legacy*, McClelland & Stewart Ltd., Toronto, 1-50.

C. Legislative Change between mid-Century and 1973

Before class, do some research on the main representative bodies for Aboriginal People in Canada and Saskatchewan.

Primary Readings

Cardinal, H. (1991) Hat in Hand: The Long Fight to Organize. In *Sweet Promises: A Reader on Indian-White Relations in Canada*, ed J.R. Miller, 393-401. Toronto, ON: University of Toronto Press.

Leslie, J.F. (2004) The Policy Agenda of Native Peoples from World War II to the 1969 White Paper. In *Aboriginal Policy Research: Setting the Agenda for Change*, eds J.P. White, P. Maxim, and D. Beavon, 16-23. Toronto, ON: Thompson Educational Publishing.

Peters, E.J. (2002) "Our city Indians": negotiating the meaning of First Nations urbanization in Canada, 1945-1975, *Journal of Historical Geography* 30, 75-92

Additional Readings

Asch, M. The Evolution of Federal Policy on Aboriginal Rights. In *Home and Native Land: Aboriginal Rights and the Canadian Constitution*, M. Asch, 55-73. Toronto, ON: Methuen.

Special Joint Commission of the Senate and the House of Commons, *The Indian Act: Minutes of Proceedings and Evidence*, Monday, April 21, Edmond Cloutier, Printer, Ottawa, 1947

II. Contemporary Issues

A. Comprehensive Land Claims

Before class, do some research to find out which comprehensive claims have recently been settled.

Primary Readings

Miller, J.R. (2004) All This Region Belonged To Him: Claims, *Lethal Legacy*, McClelland & Stewart Ltd., Toronto, 165-215.

Additional Readings

Comprehensive Claims Policy <http://www.ainc-inac.gc.ca/ai/scr/nt/edu/bzz/nls/ccp/index-eng.asp>

Specific Claims Policy <<http://www.ainc-inac.gc.ca/al/ldc/spc/plc/plc-eng.asp>>

Saku, J.C. and R.M. Bone (2000) Modern Treaties in Canada: The Case of Northern Quebec Agreements and the Inuvialuit final Agreement. *The Canadian Journal of Native Studies*, 20, 2:283-307.

B. Bill C-31 and other Gender Issues

Primary Readings

Fiske, J. and E. George (2006) Bill C-31: A Study of Cultural Trauma. In: *Aboriginal Policy Research. Moving Forward, Making a Difference*, eds. J.P. White, E. Anderson, W. Cornet, and D. Beavon, 53-74. Toronto: Thompson Educational Publishing, Inc.

Clatworthy, S. (2006) Indian Registration, Membership, and Population Change in First Nations Communities. In: *Aboriginal Policy Research. Moving Forward, Making a Difference*, eds. J.P. White, E. Anderson, W. Cornet, and D. Beavon, 99-120. Toronto: Thompson Educational Publishing, Inc.

Additional Readings

Royal Commission on Aboriginal Peoples (1996) Women's Perspectives. *Perspectives and Realities*, Vol. 4, 7-106. Ottawa, ON: Minister of Supply and Services Canada.

C. The Growing Importance of Métis Issues

Primary Readings

Royal Commission on Aboriginal Peoples (1996) Métis Perspectives. *Perspectives and Realities, Vol. 4*. 199-286. Ottawa:ON: Minister of Supplies and Services.

Additional Readings

Borrows, J.J. and L.I. Rotman (2003) Métis Rights. In *Aboriginal Legal Issues./ Cases, Materials & Commentary*, 457-482. Markham, ON: LexisNexis Group

Weinstein, J. (2007) Prospects for Métis Self-Government. In *Quiet Revolution West. The Rebirth of Métis Nationalism*, 199-209. Calgary, AB: Fifth House

D. Constitutional Change and Self-government

Primary Readings

Gibbins, R. (1986) Canadian Indians and the Canadian Constitution: A Difficult Passage Toward an Uncertain Destination. In *Arduous Journey. Canadian Indians and Decolonization*, ed J.R. Ponting, 302-316. Toronto, ON: McClelland and Stewart.

Hunter, A. (2006) The Politics of Aboriginal Self-Government. In *Canadian Politics: Critical Reflections*, eds J. Grace and B. Sheldrick, 24-39. Don Mills, ON: Pearsen Education Canada Inc.

Additional Readings

Miller, J.R. (2004) According to Ancient Customs: Self-Government" *Lethal Legacy*, McClelland & Stewart Ltd., Toronto, 52-104

E. Urbanization

Primary Readings

Abele, F. and K. Graham (forthcoming) Federal Urban Aboriginal Policy: The Challenge of Viewing the Stars in the Urban Night Sky. In *Urban Aboriginal Policies in Canada*, ed. E.J. Peters. Kingston and Montreal: McGill-Queen's University Press.

Hanselmann, C. (2001) *Urban Aboriginal People in Western Canada*. Calgary: Canada West Foundation

Additional Readings

Katherine Graham and Evelyn Peters, *Aboriginal Communities and Urban Sustainability*. Ottawa: Canadian Policy Research Networks, 2003. (Available free of charge on the CPRN Website.)

Royal Commission on Aboriginal Peoples (1996) Urban Perspectives. *Perspectives and Realities, Vol. 4.* 519-621. Ottawa:ON: Minister of Supplies and Services.

F. Selected Recent Court Cases and Legislation

Students will research and report on the context and significance of recent court cases defining Aboriginal rights in Canada. Some possibilities include:

R. v. Sappier; R. v. Gray 2006 SCC

R. v. Morris 2006 SCC

R. v. Marshall; R. v. Bernard, 2005 SCC43, [2005] 2 S.C.R. 220

Haida Nation v. British Columbia (Minister of Forests), 2004 SCC 73, [2004] 3 S.C.R. 511

R. v. Powley, 2003 SCC 43, [2003] 2 S.C.R. 207

Mitchell v. Ministry of Nations Revenue (M.N.R.) 2001 SCC

Delgamuukw v. British Columbia, [1997] 3 S.C.R. 1010

R. v. Van der Peet 1996 SCC

R. v. Gladstone 1996 SCC

R. v. Sparrow 1990 SCC

Additional Readings

Borrows, J. and Rotman, L.I. (2003) *Aboriginal Legal issues: cases, materials & commentary*. Markham, ON: LexisNexis

EVALUATION

Course participation (20%)

Primary readings are available in a binder at the Diefenbaker Centre. You can take the binder out to photocopy it, but please don't take it home. If you don't wish to photocopy articles, please leave a note for your fellow students indicating that you have the binder. A copy of *Lethal Legacy* is on 24 hour reserve at the main library.

Responsibility for identifying the "leading questions" for each week's readings will rotate among members of the class. The leading questions will be submitted in writing at the beginning of the class in which they are to be discussed. Course participation marks will be awarded on the basis of the thoughtfulness of "leading questions" and on the basis of participation in discussion of readings. Elements that are important include demonstration of having completed course readings, preparation for discussion (e.g. ability to summarize main points, provide points of agreement, disagreement or puzzlement with reading), ability to link ideas from separate readings/classes, ability to listen to others and acknowledge their input in your own remarks. At the graduate level, you should be prepared to engage in oral discussion. If you feel uncomfortable in the classroom setting, please see me outside of class hours to explore ways in which the classroom can be made more receptive.

Two Commentaries (#1 – 15%; #2 – 15%)

During the term, you will write two short commentaries. Each commentary will focus on one of the required or supplementary readings for a particular week (each from a different week). The essays are due at the beginning of the class in which the readings are to be discussed. At least one of the commentaries should be submitted before February break. You should submit your second essay by the end of March at the latest. Each essay should be 500-750 words in length.

In each commentary, you should identify the text to be discussed, briefly present the point or argument made by the author(s), and provide a critical discussion using your own ideas. The commentary can be a critique or an appreciation of the work, or both. You may agree or disagree, compare or contrast two readings for the week, use the ideas from other readings to evaluate the reading under study, or adopt some other approach. The point is to go beyond a mere exposition of the content of the article; in all cases you must expose the analytical framework of each article.

Please use essay form and avoid point-form summaries.

Your commentaries will be assessed for their success in explaining one or more key points or arguments made by the author(s) and in providing insights of your own, with equal weight on these two aspects.

Presentation (20%)

(due March 30, 2010)

You will present your paper in the last class. Each presenter will have 20 minutes, leaving time for questions. Presenting a paper orally provides a good opportunity to try out the logic of your paper and to get some feedback before you hand it in (the following week).

Research Essay (30%)

(due April 13, 2010)

The assignment is to write a research essay of at least 2,500 but no more than 4,000 words, about the final report of the Royal Commission on Aboriginal Peoples. The 1996 RCAP report covers virtually every aspect of Canada-Aboriginal relations in a sustained and remarkably integrated analysis. Implementation has been uneven, opinions about the report's approach vary, but there is now no doubt about the RCAP's influence on Canadian public affairs.

You may choose to write about any aspect of the RCAP report. For example, if you are interested in veteran's affairs or language preservation, you might prepare an analysis of the nature of the RCAP recommendations in one of these areas, and then investigate the extent to which the recommendations (or the framing policy ideas) have been implemented. You could write a critique of the report's main analysis, or of any specific aspect. Alternatively, you might write about the Commission itself, considered as a part of the Canadian public policy process, or, alternatively again, about the Commission's approach to combining Indigenous and non-Indigenous perspectives in its research and policy development process, and about its analysis. These are only examples. The choice of specific topic and perspective is yours.

Copies of the five volume final report of the Royal Commission on Aboriginal Peoples are available in the University of Saskatchewan main library. The full report is available on the internet via the website of the Department of Indian Affairs and Northern Development, as are a number of short versions and commentaries.

To help you settle on scope and focus, I suggest that you submit a prospectus or abstract of your paper to me, so that I can assist you with fine-tuning and suggest secondary sources. Please submit the prospectus before the February break at the latest.

LATE ASSIGNMENTS

For research essay, 5% will be deducted from the grade for each day or part of a day the assignment is late.

STUDENTS WITH SPECIAL NEEDS

All students who have special needs are encouraged to register with Disability Services for Students (DSS). Access to most services and programs provided by DSS is restricted to students who have registered with the office. Once you have registered, please contact the professor to discuss accommodations.

ACADEMIC INTEGRITY AND CONDUCT

Ensuring that you understand and follow the principles of academic integrity and conduct as laid out in the University of Regina's Graduate Calendar and the University of Saskatchewan's Guidelines for Academic Conduct (http://www.usask.ca/university_secretary/pdf/dishonesty_info_sheet.pdf) is vital to your success in graduate school. Ensuring that your work is your own and reflects both your own ideas and those of others incorporated in your work is important: ensuring that you acknowledge the ideas, words, and phrases of others that you use is a vital part of the scholarly endeavour. If you have any questions at all about academic integrity in general or about specific issues, contact your course instructor and to discuss your questions.