

JSGS 863 ABORIGINAL PEOPLES AND PUBLIC POLICY

	UNIVERSITY OF REGINA CAMPUS	UNIVERSITY OF SASKATCHEWAN CAMPUS
INSTRUCTOR:	Ken S. Coates	Ken S Coates
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OFFICE HOURS:	By appointment	By appointment
OFFICE LOCATION:	U of S., Diefenbaker Ctr., #182	Diefenbaker Building, room 182
TERM:	Spring 2018	Spring 2018
ROOM:	Regina via web ex	Saskatoon: Prairie Room
DATE AND TIME:	8:30am-12:30pm	8:30am-12:30pm

CALENDAR DESCRIPTION

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 these public policy fields by focusing initially 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 and complex; the issues that are raised are intense and emotional. This course outline is designed to provide an overview to selected topics so that you can do further research and thinking on these themes.

ATTRIBUTES OF JSGS GRADUATES

1. Management, Governance, and Leadership: Ability to inspire support for a vision or course of action and successfully direct the teams, processes, and changes required to accomplish it.
2. Communication and Social Skills: Ability to communicate effectively and build enduring, trust-based interpersonal, professional relationships.
3. Systems Thinking and Creative Analysis: Ability to identify key issues and problems, analyze them systematically, and reach sound, innovative conclusions.
4. Public Policy and Community Engagement: Ability to understand how organizational and public policies are formulated, their impact on public policy and management and how to influence their development.
5. Continuous Evaluation and Improvement: Commitment to on-going evaluation for continuous organizational and personal improvement.
6. Policy Knowledge: Ability to analyze and contribute content to at least one applied policy field.

COURSE CONTENT AND APPROACH

Course Content: The purpose of the class is to examine the major issues on Aboriginal public policy and to consider the best means of bridging the gaps in wealth, opportunity and quality of life between Aboriginal Canadians and Canadians and large. The class consists of a series of regular meetings based on the discussion of assigned readings and in-class assignments designed to make students consider public policy options and political choices in this vital field. Several of the discussions and one of the class assignments will focus on *From Treaty Peoples to Treaty Nations* (UBC Press, 2015), written by Greg Poelzer and Ken Coates. This book was designed as an overview of theoretical and conceptual approaches to Aboriginal affairs in Canada and as a discussion starter on the practical means of addressing Indigenous and Canadian needs and expectations. The course encourages students to explore viable policy options and to consider new means of co-producing policy with Indigenous peoples, communities and organizations.

COURSE OUTLINE, MAJOR ASSIGNMENTS AND REGULAR ASSIGNMENTS

MAJOR ASSIGNMENT: Book Review: Read *From Treaty Peoples to Treaty Nation*. Prepare a critique, based on the political practicality and likelihood of the policy ideas brought forward in the book. If you reject or challenge a specific idea or suggestions, provide an alternative that you think would be more effective. (Your report should be five pages; it is due one week after the end of the class.)

MAJOR ASSIGNMENT: Final Project: Based on the topics discussed in this course, review the 2019 Government of Canada budget for Indigenous affair and programming. Prepare a memorandum for the major Indigenous organizations (First Nations, Inuit and Metis) that explains the values and priorities of the Government of Canada and that outlines what you to see to be the deficiencies in the Government's priorities. (Your memorandum should be 5 pages long. It is due two weeks after the end of class.)

The Budget document can be found at <https://www.budget.gc.ca/2019/docs/plan/chap-03-en.html#Chapter-3---Advancing-Reconciliation>. See also <https://www.canada.ca/en/crown-indigenous-relations-northern-affairs/news/2019/04/budget-2019-advancing-reconciliation-with-indigenous-peoples1.html> and <https://www.budget.gc.ca/2019/docs/nrc/indigenous-autochtones-en.html>.

DESCRIPTION OF REGULAR ASSIGNMENTS: Note that the major assignments can be submitted when they are completed, but should be submitted by the start of class on the date noted).

Class Assignments: Students will prepare a one-page (maximum) commentary on the following topics, for discussion in the appropriate class.

Commentary One: Read the *Indian Act* (<http://laws-lois.justice.gc.ca/eng/acts/i-5/>) closely. Which elements of the Indian Act do you feel had the greatest impact on Indigenous peoples and their relationship with the Government of Canada?

Commentary Two: Of the conceptual approaches discussed in *From Treaty Peoples to Treaty Nation*, which three (3) lines of analysis do you feel best explain the challenges facing Indigenous peoples in Canada and/or the best means of addressing those challenges?

Commentary Three: Read the Supreme Court decisions on the William (Tsilhqot'in) (<http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14246/index.do>) and Daniels (<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/15858/index.do>) cases. How do you think these court decisions shaped or change Indigenous policy in Canada.

Commentary Four: Read the Call to Action section of the final report of the Truth and Reconciliation Commission (http://www.trc.ca/websites/trcinstitution/File/2015/Honouring_the_Truth_Reconciling_for_the_Future_July_23_2015.pdf). After being elected in 2015, Prime Minister Justin Trudeau declared that his government would implement all of the TRC recommendations. Assess the reasonableness of this government commitment.

REQUIRED READINGS

Greg Poelzer and Ken Coates, *From Treaty Peoples to Treaty Nation: A Road Map for all Canadian*. Policy documents, as described in the course outline. The book is available through the University of Saskatchewan bookstore.

SUPPLEMENTARY READINGS

n/a

EVALUATION

Class Participation	20
In-Class Assignments (4 x 5 marks)	20
Book Commentary	30
Take Home Final Assignment	30

COURSE SCHEDULE

I will be delivering the class from both campuses, linked by video-conference. I will be in Regina for the first class and in Saskatoon for the second class. The rest of the schedule is to be determined.

Note that we will typically have one in-class, ungraded assignment each day.

May 6 - Class One: Indigenous Peoples in Canada: Historical Background and Contemporary Realities
Please spend some time before the first class reviewing these sites. Get a sense of the population, distribution and socio-economic circumstances of Indigenous peoples in Canada.

- <http://fnpim-cippn.aandc-aadnc.gc.ca/index-eng.html>
- <https://www.aadnc-aandc.gc.ca/eng/1321623888972/1321624024372>
- https://www.google.ca/search?q=first+nations+languages+in+canada+map&tbm=isch&imgil=q-FqbMdAgB-H0M%253A%253BHsyFDcsNMP5hMM%253Bhttp%25253A%25252F%25252Ffirstpeoplesofcanada.com%25252Ffp_groups%25252Ffp_groups_languages.html&source=iu&pf=m&fir=q-FqbMdAgB-

[H0M%253A%252CHsyFDcsNMP5hMM%252C &usg=__os6pEd-Lbe5g4_3b2Ja4XteLBUQ%3D&biw=1680&bih=841&ved=0ahUKEwiK3cnE7NHTAhUdOIMKHZKNCaAQyjiINw&ei=GNEIWYrxN52gJwSSm6aACg#imgrc=q-FqbMdAgB-H0M:](http://www.statcan.gc.ca/pub/89-645-x/2015001/pop-concept-eng.htm)

- <http://www.statcan.gc.ca/pub/89-645-x/2015001/pop-concept-eng.htm>
- https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/images-images/ece/ece_prg8_1300199574356_eng.jpg
- http://www.nrcan.gc.ca/sites/www.nrcan.gc.ca/files/earthsciences/pdf/treaties_and_comprehensive_land_claims_in_canada_WCAG.pdf
- [https://www.google.ca/search?q=Indigenous+land+in+canada+map&source=lnms&tbm=isch&sa=X&ved=0ahUKEwiE1pn67dHTAhVBxYMKHeTWA_gQ_AUICigB&biw=1680&bih=841#imgrc=5JzwJl5-J008hM\)](https://www.google.ca/search?q=Indigenous+land+in+canada+map&source=lnms&tbm=isch&sa=X&ved=0ahUKEwiE1pn67dHTAhVBxYMKHeTWA_gQ_AUICigB&biw=1680&bih=841#imgrc=5JzwJl5-J008hM)

May 7 - Class Two: Historical Relations and Political Structures: In this class, we will discuss the importance of historic relationships and legacy of early legislation and treaties on Indigenous issues in Canada.

- Royal Proclamation of 1763 (http://avalon.law.yale.edu/18th_century/proc1763.asp)
- Treaty One (<http://www.trcm.ca/wp-content/uploads/PDFsTreaties/Treaties%201%20and%202%20text.pdf>)
- Indian Act (<http://laws-lois.justice.gc.ca/eng/acts/I-5/>)

Commentary One: Read the Indian Act (<http://laws-lois.justice.gc.ca/eng/acts/i-5/>) closely. Which elements of the Indian Act do you feel had the greatest impact on Indigenous peoples and their relationship with the Government of Canada?

May 8 - Class Three: Theoretical and Conceptual Perspectives on Aboriginal – Government Relations

- Class Discussion of Sections 1 and 2, (Chapters 1-5) *From Treaty Peoples to Treaty Nation*.

Commentary Two: Of the conceptual approaches discussed in *From Treaty Peoples to Treaty Nation*, which three (3) lines of analysis do you feel best explain the challenges facing Indigenous peoples in Canada and/or the best means of addressing those challenges? *Defend/explain your selection.*

In-Class Project: In the last half of the class this day, students will work in groups of 3 or 4. You will address the following assignment.

There is mounting evidence that a significant but unspecified number of non-Indigenous Canadians do not support Indigenous rights and are less than supportive of the increased expenditure of public funds on Indigenous issues. Indeed, the intensity of the opposition and some of the underlying emotions and values being expressed are worrisome. At the same time, some people have honestly and strongly held views about government funding for Indigenous affairs and, more broadly, about the appropriate role of government in its relationships with Indigenous peoples and communities. Throughout this class, we will explore the many and complex reasons for these attitudes among some non-Indigenous Canadians. (Just to be clear, the evidence suggests that the majority of Canadians expect governments to do more to assist Indigenous peoples and communities.)

For this assignment, I want the focus to be on the steps that the Government of Canada, provincial governments and territorial governments can take to build interest in and support for continued and expanded government support for Indigenous communities, and peoples and respect and recognition for Indigenous rights. (Note that this assignment specifically excludes the potential role and activities of Indigenous governments and organizations, which we will discuss separately.)

Your goal is not to debate the legitimacy or illegitimacy of non-Indigenous concerns or protests; I understand some of the concerns expressed but am, to be frank, deeply troubled by the nature of the extreme commentaries. But this issue is for another day. Instead, I want you to focus on the thoughtful, careful and effective steps that governments can take to build support and consensus around the Indigenous file. Focus on no more than three policy or program ideas. Explain the anticipated outcome from each of the policy or program ideas.

Please note that the question of building public interest in and support for legislative and programmatic government action is a critical matter for all governments, which have to overcome resistance and even widespread opposition on many files (such climate change, support for government support for corporations, urban transit, etc.).

On May 9th, each group will have five minutes to present their proposals to the class.

May 9 - Class Four: Membership, Beneficiaries and Affiliations

- Indian Act definitions of Membership, Section 5 (<http://laws-lois.justice.gc.ca/eng/acts/i-5/page-2.html#h-5>).
- Nisga'a Final Agreement, Chapter 29 (<http://www.nisgaanation.ca/sites/default/files/Nisga%27a%20Final%20Agreement%20-%20Effective%20Date.PDF>).
- Kahnawá:ke Membership Law (<http://www.kahnawake.com/council/docs/MembershipLaw.pdf>).

May 10 - Class Five: Aboriginal People and Natural Resource Development

- Brian Crowley and Ken Coates, *New Beginnings* (http://www.macdonaldlaurier.ca/files/pdf/2013.01.05-MLI-New_Beginnings_Coates_vWEB.pdf);

May 13 - Class Six: Aboriginal Legal Rights

- Dwight Newman, *The Rule and Role of Law* http://www.usask.ca/icngd/publications/reports/Reports-Files/MLI%20Duty%20to%20Consult_May%202014.pdf
- Section 35, The Constitution Act, 1982: <https://releve.canlii.org/en/ca/laws/stat/schedule-b-to-the-canada-act-1982-uk-1982-c-11/latest/schedule-b-to-the-canada-act-1982-uk-1982-c-11.html>

Commentary Three: Read the Supreme Court decisions on the *William (Tsilhqot'in)* (<http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/14246/index.do>) and *Daniels* (<https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/15858/index.do>) cases. How do you think these court decisions will shape or change Indigenous policy in Canada?

May 14 - Class Seven: Aboriginal Social Services and Government Programs

- Cindy Blackstock, “The Occasional Evils of Angels” (<http://journals.sfu.ca/fpcfr/index.php/FPCFR/issue/viewFile/32/28#page=138>)
- Canadian Human Rights Tribunal Decision on Aboriginal Social Services (<http://s3.documentcloud.org/documents/2698184/Jugement.pdf>)
- Jordan’s Principle (<https://decisions.chrt-tcdp.gc.ca/chrt-tcdp/decisions/en/item/232587/index.do?r=AAAAAQAOY2FyaW5nIHNvY2lldHkK>)

May 15 - Class Eight: Modern Treaties in Canada

- Nisga’a Treaty (<http://www.aadnc-aandc.gc.ca/eng/1100100031292/1100100031293>)
- Yukon Treaty (<http://cyfn.ca/agreements/umbrella-final-agreement/>)
- Tsawwassen Agreement (https://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-BC/STAGING/texte-text/tfnfa_1100100022707_eng.pdf)

May 16 - Class Nine: International Indigenous Rights/ Future Prospects: Reconciliation in Canada

- United Nations Declaration on the Rights of Indigenous Peoples (http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)
- Blaine Favel and Ken Coates, Understanding UNDRIP (<http://www.macdonaldlaurier.ca/files/pdf/MLI-10-UNDRIPCoates-Flavel05-16-WebReadyV4.pdf>).
- Blaine Favel and Ken Coates, Understanding FPIC (<http://macdonaldlaurier.ca/files/pdf/MLINumber9-FPICCoates-Flavel04-29-WebReady.pdf>).

May 17 – Class Ten: Class Summary: Indigenous-Governance Relations in Canada and the Prospects for Reconciliation.

- **Commentary Four:** *Read the Call to Action section of the final report of the Truth and Reconciliation Commission* (http://www.trc.ca/websites/trcinstitution/File/2015/Honouring_the_Truth_Reconciling_for_the_Future_July_23_2015.pdf). After being elected in 2015, Prime Minister Justin Trudeau declared that his government would implement all of the TRC recommendations. Assess the reasonableness of this government commitment.

STUDENTS WITH SPECIAL NEEDS

University of Regina (U of R): Students in this course who, because of a disability, may have a need for accommodations are encouraged to discuss this need with the instructor and to contact the Coordinator of Special Needs Services at (306) 585-4631.

University of Saskatchewan (U of S): Students in this course who, because of a disability, may have a need for accommodations are encouraged to discuss this need with the instructor and to contact Disability Services for Students (DSS) at 966-7273.

Students Experiencing Stress

University of Regina (U of R): Students in this course who are experiencing stress can seek assistance from the University of Regina Counselling Services. For more information, visit this website: <http://www.uregina.ca/student/counselling/contact.html>, or call (306) 585-4491 between 8:30 a.m. to 4:30 p.m. Monday to Friday.

University of Saskatchewan (U of S): Students in this course who are experiencing stress can seek assistance from the University of Saskatchewan Student Counselling Services. For more information, please visit this website: <https://students.usask.ca/health/centres/counselling-services.php>, or call (306) 966-4920 between 8:30 a.m. to 4:30 p.m. Monday to Friday.

ACADEMIC INTEGRITY AND CONDUCT

University of Regina (U of R): Ensuring that you understand and follow the principles of academic integrity and conduct as laid out by the University of Regina (available at <http://www.uregina.ca/gradstudies/grad-calendar/policy-univ.html>) 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 to discuss your questions.

University of Saskatchewan (U of S): Understanding and following the principles of academic integrity and conduct as laid out in the University of Saskatchewan's Guidelines for Academic Conduct is vital to your success in graduate school (available at www.usask.ca/university_secretary/council/reports_forms/reports/guide_conduct.php). 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 any faculty member and we can discuss your questions.