

# JSGS 863 – Indigenous Peoples and Public Policy

	UNIVERSITY OF SASKATCHEWAN CAMPUS	UNIVERSITY OF REGINA CAMPUS
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OFFICE LOCATION:	Regina Campus 332.1	Regina Campus 332.1
TERM:	Term 1 (Fall 2021)	Term 1 (Fall 2021)
ROOM:	Online via Zoom	Online via Zoom
DATE AND TIME:	Wednesday 2:30 – 5:15	Wednesday 2:30 – 5:15

## LAND ACKNOWLEDGEMENT

The University of Saskatchewan campus of the Johnson Shoyama Graduate School of Public Policy is situated on Treaty 6 Territory and the Homeland of the Métis, while the University of Regina campus is situated on Treaty 4 Territory and the Homeland of the Métis. We pay our respect to the First Nation and Métis ancestors of this place and reaffirm our relationship with one another. As we engage in Remote Teaching and Learning, we would also like to recognize that some may be attending this course from other traditional Indigenous lands. I ask that you take a moment to make your own Land Acknowledgement to the peoples of those lands. In doing so, we are actively participating in reconciliation as we navigate our time in this course, learning and supporting each other.

## INTELLECTUAL PROPERTY ACKNOWLEDGEMENT

This course was developed by Ken Coates in 2012 with some revisions by Danette Starblanket in 2021.

## HONOUR CODE

At the Johnson Shoyama Graduate School of Public Policy (JSGS), we believe honesty and integrity are fundamental in a community dedicated to learning, personal development, and a search for understanding. We revere these values and hold them essential in promoting personal responsibility, moral and intellectual leadership, and pride in ourselves and our University.

As JSGS students, we will represent ourselves truthfully, claim only work that is our own, and engage honestly in all academic assignments.

Since articulated standards and expectations can influence attitudes, and because each of us shares the

responsibility for maintaining academic integrity (see below for details on academic integrity at the JSGS), we are committed to upholding the Academic Honor Code.

### **Academic Honour Pledge**

As a member of the JSGS community, I pledge to live by and to support the letter and spirit of JSGS's Academic Honour Code.

## **REMOTE LEARNING CONTEXT**

We acknowledge the complex circumstances – i.e., a worldwide pandemic – in which this course is taking place. Since remote teaching and learning context is new to both instructors and students, all participations should interact with empathy, patience and care. Links to online learning resources are provided below. This course will be delivered via Zoom on the scheduled days/times, using UR Courses as the learning platform.

## **CALENDAR DESCRIPTION**

Many areas of Canadian public policy are of interest to Indigenous peoples in Canada, for example governance, land, resources, social policy, environment, international relations, economic development, culture, language, and others. This course begins with the historic framework for contemporary public policy established by treaties, reserves and legislation. Then it examines 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.

**Restriction(s):** Admission into the Master of Public Administration (M.P.A.) program, Master of Public Policy (M.P.P.) program, Ph.D. program, or by permission of the instructor.

**Note:** Students with credit for PUBP 812 will not receive credit for this course

## **LEARNING OBJECTIVES**

JSGS has developed a set of three competencies that all graduates will be able to demonstrate. The specific readings, assignments and activities in JSGS 862 will help you both acquire and demonstrate the ability to:

- Understand how economic and political factors interact to create and determine the effect of policy
- Think critically and analytically about policy problems and issues from a political economy perspective

- Analyze policy problems using theories of political economy
- Communicate information and analyses critically and effectively

## **ATTRIBUTES OF JSGS GRADUATES**

Through the development of the following competencies, JSGS MPA graduates will be prepared to meet the policy challenges of a rapidly changing world:

- Analysis and Use of Evidence – how to use evidence and develop the necessary analytical skills to succeed in a public administration career;
- Politics and Democracy – ensuring that students have a deep understanding of the role of politics and democracy in public policy development including the roles of the various institutions and policy actors; and
- Policy Delivery – the importance of effective service delivery and the ongoing management and evaluation of public policy.

## **COURSE CONTENT AND APPROACH**

The purpose of the class is to examine the major issues on Indigenous public policy and to consider the best means of bridging the gaps in wealth, opportunity and quality of life between Indigenous peoples in Canada and Canadians at large. The class consists of a series of regular meetings based on the discussion of assigned readings and in-class assignments designed so students can 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). This book was designed as an overview of theoretical and conceptual approaches to Indigenous 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.

## **REQUIRED READINGS**

Greg Poelzer and Ken Coates, *From Treaty Peoples to Treaty Nation: A Road Map for all Canadians*. Vancouver: UBC Press. The textbook is available through the University of Regina bookstore.

Additional Readings as identified in the course outline.

## COURSE OUTLINE AND ASSIGNMENTS

### **September 1 - Week One: INDIGENOUS PEOPLES IN CANADA – HISTORICAL BACKGROUND AND**

**CONTEMPORARY RIGHTS:** In this class we will review the population, distribution and socio-economic circumstances of Indigenous peoples in Canada.

- <https://www.aadnc-aandc.gc.ca/eng/1321623888972/1321624024372>
- <http://www.statcan.gc.ca/pub/89-645-x/2015001/pop-concept-eng.htm>
- [http://www.nrcan.gc.ca/sites/www.nrcan.gc.ca/files/earthsciences/pdf/treaties and comprehensive land claims in canada WCAG.pdf](http://www.nrcan.gc.ca/sites/www.nrcan.gc.ca/files/earthsciences/pdf/treaties_and_comprehensive_land_claims_in_canada_WCAG.pdf)
- [https://www.statcan.gc.ca/eng/subjects-start/indigenous\\_peoples](https://www.statcan.gc.ca/eng/subjects-start/indigenous_peoples)
- <https://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-011-x/99-011-x2011001-eng.cfm>

**September 8 - Week Two: TREATY RELATIONSHIPS:** In this class we will discuss the ways in which the Treaties shaped Indigenous and state relationships in Canada.

- Two Row Wampum Belt <https://www.onondaganation.org/culture/wampum/two-row-wampum-belt-guswenta/>
- Video: “RSC 2012 Governor General Lecture Series - We Are All Treaty People: Accepting the Queen’s Hand” <https://www.youtube.com/watch?v=laxdzk1LHz8>
- Treaty One <http://www.trcm.ca/wp-content/uploads/PDFsTreaties/Treaties%201%20and%202%20text.pdf>
- John Leonard Taylor’s “Treaty Research Report”.  
[https://publications.gc.ca/collections/collection\\_2012/aicn-inac/R32-260-1985-eng.pdf](https://publications.gc.ca/collections/collection_2012/aicn-inac/R32-260-1985-eng.pdf)

**September 15 - Week Three: INDIGENOUS POLITICAL STRUCTURES:** In this class we will discuss the legacy of early legislation on Indigenous issues in Canada.

- Royal Proclamation of 1763 <https://www.cbc.ca/news/politics/royal-proclamation-of-1763-canada-s-indian-magna-carta-turns-250-1.1927667> and <https://www.ictinc.ca/blog/royal-proclamation-of-1763> and <https://openhistoryseminar.com/canadianhistory/chapter/interpretation-2-murray-sinclair-on-the-royal-proclamation-of-1763/>
- The BNA Act 1867 <https://www.justice.gc.ca/eng/rp-pr/csj-sjc/constitution/lawreg-loireg/p1t11.html>
- The Indian Act <http://laws-lois.justice.gc.ca/eng/acts/I-5/> and <https://www.youtube.com/watch?v=OhBrq7Ez-rQ>
- **Commentary One Due**

### **September 22 - Week Four: THEORETICAL AND CONCEPTUAL PERSPECTIVES ON INDIGENOUS –**

**GOVERNMENT RELATIONS:** In this class we will discuss the relations between Canada and Indigenous people.

- Class Discussion of Sections 1 and 2 (Chapters 1-5) *From Treaty Peoples to Treaty Nation*.
- James Anaya’s “Report of the Special Rapporteur on the Rights of Indigenous Peoples”

- The White Paper 1969 <https://www.ictinc.ca/blog/1969-white-paper-indian-policy-rejected-liberal-party-canada>
- Video: “Rocks at Whiskey Trench” [https://www.nfb.ca/film/rocks\\_at\\_whiskey\\_trench/](https://www.nfb.ca/film/rocks_at_whiskey_trench/)

**September 29 - Week Five: INDIGENOUS GOVERNANCE:** In this class we will explore Indigenous Governance Systems in Canada.

- Class Discussion of Section 3 (Chapters 6-8) *From Treaty Peoples to Treaty Nation*.
- John Graham’s “Aggregation and Good Governance”
- James Youngblood Henderson’s “Dialogical Governance: A Mechanism of Constitutional Governance”
- **Commentary Two Due**

**October 6 - Week Six: INDIGENOUS MEMBERSHIP, BENEFICIARIES AND AFFILIATIONS:** In this class we will look at a number of agreements and pieces of legislation that impact membership.

- Class Discussion of Section 4 (Chapters 9-14) *From Treaty Peoples to Treaty Nation*.
- Indian Act <http://laws-lois.justice.gc.ca/eng/acts/i-5/page-2.html#h-5>
- Nisga’a Final Agreement <https://publications.gc.ca/Collection-R/LoPBdP/BP/prb992-e.htm> and [https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/99002\\_05](https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/99002_05)
- Kahnawá:ke Membership Law <http://www.kahnawake.com/council/docs/membershiplaw.pdf>
- Eric Lemont’s “Overcoming the Politics of Reform: The Story of the 1999 Cherokee Nation of Oklahoma Constitutional Convention” <https://digitalcommons.law.ou.edu/cgi/viewcontent.cgi?article=1151&context=air>

**October 13 - Week Seven: INDIGENOUS PEOPLE AND NATURAL RESOURCE DEVELOPMENT:** In this class we will look at natural resource development and use as they relate to rights.

- Brian Crowley and Ken Coates’ “New Beginnings” [http://www.macdonaldlaurier.ca/files/pdf/2013.01.05-MLI-New\\_Beginnings\\_Coates\\_vWEB.pdf](http://www.macdonaldlaurier.ca/files/pdf/2013.01.05-MLI-New_Beginnings_Coates_vWEB.pdf)
- Richard Missens et al’s “A Study of Natural Resource Use by the Nehiyaw (Cree) First Nations”

**October 20 - Week Eight: INDIGENOUS LEGAL RIGHTS AND CONSTITUTIONAL DEBATES:** In this class we will examine the way the constitution has impacted Indigenous rights.

- Dwight Newman’s “The Rule and Role of Law” <https://www.macdonaldlaurier.ca/files/pdf/DutyToConsult-Final.pdf>
- Section 35, The Constitution Act, 1982 <https://laws-lois.justice.gc.ca/eng/const/page-13.html>
- Video: “Dancing Around the Table Part One” [https://www.nfb.ca/film/dancing\\_around\\_the\\_table\\_1/](https://www.nfb.ca/film/dancing_around_the_table_1/)
- **Commentary Three Due**

**October 27 - Week Nine: INDIGENOUS SOCIAL SERVICES, HEALTH AND GOVERNMENT PROGRAMS:** In this class we will examine social services, health and other programs as they relate to Indigenous people.

- Cindy Blackstock, “The Occasional Evil of Angels”  
<https://fpcfr.com/index.php/FPCFR/article/view/74>
- 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>
- Report: First Peoples, Second Class Treatment <https://www.wellesleyinstitute.com/wp-content/uploads/2015/02/Summary-First-Peoples-Second-Class-Treatment-Final.pdf>

**November 3 - Week Ten: MODERN TREATIES IN CANADA:** In this class we will look at some of the modern treaties in Canada and their impact on policy development.

- Nisga’a Treaty <https://www.nisgaanation.ca/understanding-treaty>
- Yukon Treaty <http://cyfn.ca/agreements/umbrella-final-agreement/>
- Tsawwassen Agreement [http://tsawwassenfirstnation.com/wp-content/uploads/2019/07/1\\_Tsawwassen\\_First\\_Nation\\_Final\\_Agreement.pdf](http://tsawwassenfirstnation.com/wp-content/uploads/2019/07/1_Tsawwassen_First_Nation_Final_Agreement.pdf)

**November 17 - Week Eleven: INTERNATIONAL INDIGENOUS RIGHTS:** In this class we will look at international Indigenous rights.

- United Nations Declaration on the Rights of Indigenous Peoples  
<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>
- Blaine Favel and Ken Coates’ “Understanding UNDRIP”  
<https://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>
- **Major Assignment Due**

**November 24 - Week Twelve: RECONCILIATION IN CANADA:** In this class we will examine the concepts around reconciliation.

- TRC Calls to Action [http://trc.ca/assets/pdf/Calls\\_to\\_Action\\_English2.pdf](http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf)
- A Brief History of Our Right to Self-Governance <https://fngovernance.org/wp-content/uploads/2020/09/A-Brief-History-of-Inherent-Rights.pdf>
- Video: “Treaties, reconciliation and Indigenous history in Canada”  
<https://www.youtube.com/watch?v=c9KJM3pjkKg>

**In-Class Project:** In the last half of the class, students will work in groups of 3 or 4 to address the following in class assignment and build a proposal:

- 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. The intensity of the opposition and some of the underlying emotions and values being expressed are problematic. 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. 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 peoples, and communities in order to respect and recognize Indigenous rights. Your goal is not to debate the legitimacy or illegitimacy of non-Indigenous concerns or protests. Instead, I want you to focus on the thoughtful, careful and effective steps that governments can take to build support and build 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. 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.

**Each group will have five minutes to present their proposals to the class.**

**December 1 - Week Thirteen: FUTURE INDIGENOUS GOVERNANCE RELATIONS:** In this class we will examine the future of reconciliation and its relationship with Indigenous relationships.

- Institute on Governance’s “Understanding Governance in Strong Aboriginal Communities”
- Video: “Dancing Around the Table Part Two”  
[https://www.nfb.ca/film/dancing\\_around\\_the\\_table\\_part\\_two/](https://www.nfb.ca/film/dancing_around_the_table_part_two/)
- Transformational Governance: Challenges and Opportunities <https://fngovernance.org/wp-content/uploads/2020/05/ChallengesAndOpportunities.pdf>
- **Commentary Four Due**

#### **COMMENTARY ASSIGNMENTS:**

**Commentary One:** Read the *Indian Act* (<http://laws-lois.justice.gc.ca/eng/acts/i-5/>). 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 Chapter 4 of *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) (<https://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 change or shape Indigenous policy in Canada?

#### **Commentary Four:**

Read the Calls to Action section of the final report of the Truth and Reconciliation Commission ([http://trc.ca/assets/pdf/Calls\\_to\\_Action\\_English2.pdf](http://trc.ca/assets/pdf/Calls_to_Action_English2.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.

## 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 suggestion(s), provide an alternative that you think would be more effective. (Your report should be five pages double spaced. It is due on November 17).

## TAKE HOME FINAL ASSIGNMENT:

**Final Project:** Based on the topics discussed in this course, review the 2021 Government of Canada budget for Indigenous Affairs and programming. Prepare a memorandum for the major Indigenous organizations (First Nations, Inuit and Métis) 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 double spaced. It is due on December 10). The document to be used is found here: <https://www.canada.ca/en/department-finance/news/2021/04/budget-2021-strong-indigenous-communities.html>

## EVALUATION

Class Participation	10%
Commentary Assignments (4 x 10%)	40%
Major Assignment – Book Review	20%
Take Home Final Assignment – Final Project	30%

## LATE ASSIGNMENTS

Late assignments will be assigned a penalty of 5%; assignments more than a week late will lose a full grade of 10%; special circumstances will be considered upon application by the student.

## JSGS GRADE DESCRIPTIONS

### 85+ excellent

*A superior performance* with consistent strong evidence of:

- a comprehensive, incisive grasp of the subject matter;
- an ability to make insightful critical evaluation of the material given;
- an exceptional capacity for original, creative and/or logical thinking;
- an excellent ability to organize, to analyze, to synthesize, to integrate ideas, and to express thoughts fluently; and
- an excellent ability to apply theories to real-world problems and intersect with related disciplines.

### 80-85 very good

*An excellent performance* with strong evidence of:

- a comprehensive grasp of the subject matter;
- an ability to make sound critical evaluation of the material given;
- a very good capacity for original, creative and/or logical thinking;

- an excellent ability to organize, to analyze, to synthesize, to integrate ideas, and to express thoughts fluently; and
- a strong ability to apply theories to real-world problems and intersect with related disciplines.

### **75-80 good**

*A good performance with evidence of:*

- a substantial knowledge of the subject matter;
- a good understanding of the relevant issues and a good familiarity with the relevant literature and techniques;
- some capacity for original, creative and/or logical thinking;
- a good ability to organize, to analyze, and to examine the subject material in a critical and constructive manner; and
- some ability to apply theories to real-world problems and intersect with related disciplines.

### **70-75 satisfactory**

*A generally satisfactory and intellectually adequate performance with evidence of:*

- an acceptable basic grasp of the subject material;
- a fair understanding of the relevant issues;
- a general familiarity with the relevant literature and techniques;
- an ability to develop solutions to moderately difficult problems related to the subject material; and
- a moderate ability to examine the material in a critical and analytical manner.

## **ATTENDANCE AND PARTICIPATION EXPECTATIONS**

Students are expected to attend all the synchronous sessions. If you are unable to attend (e.g., Internet problems), you must let the instructor know.

Active participation in class discussion is expected by all students.

## **ACADEMIC INTEGRITY AND CONDUCT**

Understanding and following the principles of academic integrity and conduct 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. The JSGS has developed an Honour Code (see above) that encapsulates these values.

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. For more information, please see:

Academic Integrity – <https://www.uregina.ca/gradstudies/current-students/academic-integrity/index.html>

## **COPYRIGHT**

Course materials are provided to you based on your registration in a class, and anything created by your professors and instructors is their intellectual property, unless materials are designated as open education resources. This includes exams, PowerPoint/PDF slides and other course notes. Additionally, other copyright-protected materials created by textbook publishers and authors may be provided to you based on license terms and educational exceptions in the Canadian Copyright Act (see <http://laws-lois.justice.gc.ca/eng/acts/C-42/index.html>).

University of Regina Copyright information: <https://www.uregina.ca/copyright/guidelines/fair-dealing.html>

## **STUDENT RESOURCES**

Remote learning information page for students. This resource engages students in learning about the skills associated with remote learning success.

<https://www.uregina.ca/remote-learning/>

## **RIGHTS & RESPONSIBILITIES OF GRADUATE STUDENTS**

<https://www.uregina.ca/gradstudies/current-students/Rights%20/index.html> Rights & Responsibilities of graduate students

## **STUDENTS WITH SPECIAL NEEDS**

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 one of the following:

Centre for Student Accessibility – [accessibility@uregina.ca](mailto:accessibility@uregina.ca) or 306-585-4631.  
<https://www.uregina.ca/student/accessibility/students/index.html>

## **STUDENTS EXPERIENCING STRESS**

Counselling Services – <http://www.uregina.ca/student/counselling/contact.html> or call (306) 585-4491 between 8:30 a.m. to 4:30 p.m. Saskatchewan time Monday to Friday.

## **USE OF VIDEO AND RECORDING OF THE COURSE**

Video conference sessions in this course, including your participation, will be recorded and made available only to students in the course for viewing via Canvas after each session. This is done, in part, to ensure that students unable to join the session (due to, for example, issues with their Internet connection) can view the session later. This will also provide students with the opportunity to review any material discussed. Students may also record sessions for their own use, but they are not permitted to distribute the recordings (see below).

Please remember that course recordings belong to the instructor, the University, and/or others (like a guest lecturer) depending on the circumstance of each session, and are protected by copyright. Do not download, copy, or share recordings without the explicit permission of the instructor.

For questions about recording and use of sessions in which you have participated, including any concerns related to your privacy, please contact your instructor. More information on class recordings can be found in the Academic Courses Policy at <https://policies.usask.ca/policies/academic-affairs/academic-courses.php#5ClassRecordings>.

## **ADDITIONAL EVALUATION INFORMATION**

More information on the Academic Courses Policy on course delivery, examinations and assessment of student learning can be found at: <http://policies.usask.ca/policies/academic-affairs/academic-courses.php>

The University of Saskatchewan Learning Charter is intended to define aspirations about the learning experience that the University aims to provide, and the roles to be played in realizing these aspirations by students, instructors and the institution. A copy of the Learning Charter can be found at: <http://teaching.usask.ca/about/policies/learning-charter.php>.