

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/SEMESTER: | Term 1 (Fall 2022) | Term 1 (Fall 2022) |
| ROOM: | Online | Online |
| DATE AND TIME: | N/A | N/A |

The syllabus for this course is comprised of this document and a companion document titled “JSGS Common Syllabus 2022-23.”

CALENDAR DESCRIPTION

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.

LEARNING OBJECTIVES

JSGS programs, courses, and assignments are designed to prepare students for successful careers. Student performance is assessed based on a competency framework shaped through ongoing collaboration with researchers, alumni, and other public sector partners. The specific readings, assignments and activities in JSGS 863 will help you acquire and demonstrate competence in the following:

- **Evidence and Strategic Thinking** – develops and applies an evidence-informed approach to policy issues and policy options; understand the dynamics around Indigenous Public Policy;
- **Connection and Collaboration** –communication with different audiences to build relationships and harness a diversity of perspectives to gain understanding, design, and advance policy solutions; think critically and analytically about Indigenous Peoples and Public Policy; and
- **Implementation and Improvement** – lead self, teams, and partners to implement policy decisions, manage change initiatives, monitor progress, and support continuous improvement; Communicate information and analyses critically and effectively.

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.

Some of the discussions and the Major Assignment 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.

COURSE FORMAT

Online, Asynchronous Instruction

This online course is designed for independent study of learning material found on UR Courses. Students are required to participate in online discussion forums. Optional class discussions are also scheduled. These class discussions are designed to reinforce learning material and to give students the opportunity to ask questions and make connections. Please review the learning material in advance of each scheduled session.

REQUIRED READINGS

Greg Poelzer and Ken Coates. 2016. *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 and online.

Various readings posted in UR Courses.

COURSE OUTLINE

August 31 – Module One: INDIGENOUS PEOPLES IN CANADA – HISTORICAL BACKGROUND AND CONTEMPORARY RIGHTS:

In this module we will review the population, distribution, and socio-economic circumstances of Indigenous peoples in Canada.

- Textbook Introduction
- Indigenous and Northern Affairs Canada Website
<https://www.canada.ca/en/indigenous-northern-affairs.html>
- Stats Canada Website – Population and Geographic Distribution
<http://www.statcan.gc.ca/pub/89-645-x/2015001/pop-concept-eng.htm>
- Natural Resources Canada Website – Treaties and Comprehensive Land Claims in Canada Map
http://www.nrcan.gc.ca/sites/www.nrcan.gc.ca/files/earthsciences/pdf/treaties_and_comprehensive_land_claims_in_canada_WCAG.pdf

- Stats Canada Website – Statistics on Indigenous peoples
https://www.statcan.gc.ca/eng/subjects-start/indigenous_peoples
- Stats Canada Website – Aboriginal Peoples in Canada: First Nations People, Métis and Inuit
<https://www12.statcan.gc.ca/nhs-enm/2011/as-sa/99-011-x/99-011-x2011001-eng.cfm>

September 12 – Module Two: TREATY RELATIONSHIPS:

In this module we will discuss the ways in which the Treaties shaped Indigenous and state relationships in Canada.

- Textbook Chapter 1
- Two Row Wampum Belt
<https://www.onondaganation.org/culture/wampum/two-row-wampum-belt-guswenta/>
- Two Row Wampum Belt (PDF Doc)
<https://www.youtube.com/watch?v=laxdzk1LHz8>
- Treaties No. 1 and No. 2
<https://www.rcaanc-cirnac.gc.ca/eng/1100100028664/1581294165927>
- John Leonard Taylor’s Treaty Research Report: Treaty Six (1876)
https://publications.gc.ca/collections/collection_2012/ainc-inac/R32-260-1985-eng.pdf
- Video: “RSC 2012 Governor General Lecture Series - We Are All Treaty People: Accepting the Queen’s Hand”

Discussion Forum #1

September 19 – Module Three: INDIGENOUS POLITICAL STRUCTURES:

In this module we will discuss the legacy of early legislation on Indigenous issues in Canada.

- Textbook Chapter 2
- CBC Article “Royal Proclamation of 1763”
<https://www.cbc.ca/news/politics/royal-proclamation-of-1763-canada-s-indian-magna-carta-turns-250-1.1927667>
- Royal Proclamation of 1763
<https://www.ictinc.ca/blog/royal-proclamation-of-1763>
- Justice Murray Sinclair on the Royal Proclamation of 1763
<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/>
- Video: The Indian Act Explained
<https://www.youtube.com/watch?v=OhBrq7Ez-rQ>

September 26 – Module Four: THEORETICAL AND CONCEPTUAL PERSPECTIVES ON INDIGENOUS – GOVERNMENT RELATIONS:

In this module we will discuss the relations between Canada and Indigenous people.

- Textbook Chapter 3
- 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>
- Statement of the Government of Canada on Indian Policy (PDF Doc)
- Video: "Rocks at Whiskey Trench"
https://www.nfb.ca/film/rocks_at_whiskey_trench/

Commentary One Due (October 2)

October 3 – Module Five: INDIGENOUS GOVERNANCE:

In this module we will explore Indigenous Governance Systems in Canada.

- Textbook Chapters 4 and 5
- Two Row Wampum (PDF Doc)
- John Graham's "Aggregation and Good Governance" (PDF Doc)
- James Youngblood Henderson's "Dialogical Governance: A Mechanism of Constitutional Governance" (PDF Doc)

October 11 – Module Six: INDIGENOUS MEMBERSHIP, BENEFICIARIES AND AFFILIATIONS: In this module we will look at a number of agreements and pieces of legislation that impact membership.

- Textbook Chapters 6 and 7
- Indian Act 1985
<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
- 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=ailr>

Discussion Forum #2

October 17 – Module Seven: INDIGENOUS PEOPLE AND NATURAL RESOURCE DEVELOPMENT:

In this module we will look at natural resource development and use as they relate to rights.

- Textbook Chapters 8 and 9
- Brian Crowley and Ken Coates' "New Beginnings"
http://www.macdonaldlaurier.ca/files/pdf/2013.01.05-MLI-New_Beginnings_Coates_vWEB.pdf
- The Macdonald-Laurier Institute - Pipelines, Politics & Indigenous Peoples: Understanding the decisions on Gateway, Line 3 & Trans Mountain video series:

- How do Indigenous peoples view pipeline decisions?
<https://www.youtube.com/watch?v=oH8buC8Pi7k>
- How big was the recent announcement on pipelines?
https://www.youtube.com/watch?v=Kj6J_c-i9pY
- What's the future hold for relations with Indigenous peoples?
<https://www.youtube.com/watch?v=AqJfCOi4XKI>
- What impact will pipelines have on the environment?
<https://www.youtube.com/watch?v=S4FyXW294nU>
- Richard Missens et al's "A Study of Natural Resource Use by the Nehiyaw (Cree) First Nations"

October 24 – Module Eight: INDIGENOUS LEGAL RIGHTS AND CONSTITUTIONAL DEBATES:

In this module we will examine the way the constitution has impacted Indigenous rights.

- Textbook Chapters 10 and 11
- 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/
- FSIN Powerpoint

Discussion Forum #3

October 31 – Module Nine: INDIGENOUS SOCIAL SERVICES, HEALTH AND GOVERNMENT PROGRAMS:

In this module we will examine social services, health and other programs as they relate to Indigenous people.

- Textbook Chapter 12
- 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=AAAAAQAOY2FyaW5nIHNvY2lIdHkK>
- Report: First Peoples, Second Class Treatment
<https://www.wellesleyinstitute.com/wp-content/uploads/2015/02/Summary-First-Peoples-Second-Class-Treatment-Final.pdf>

November 7 – 11 - Reading Week

November 14 – Module Ten: MODERN TREATIES IN CANADA:

In this module we will look at some of the modern treaties in Canada and their impact on policy development.

- Textbook Chapter 13
- To Treaty or Not Treaty? (PDF Doc)
- Nisgaa 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

Commentary Two Due (November 20)**November 21 – Module Eleven: INTERNATIONAL INDIGENOUS RIGHTS:**

In this module we will look at international Indigenous rights.

- Textbook Chapter 14 and Conclusion
- 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>
- Video: "Dancing Around the Table Part Two"
https://www.nfb.ca/film/dancing_around_the_table_part_two/

Discussion Forum #4**November 28 – Module Twelve: RECONCILIATION IN CANADA/FUTURE INDIGENOUS GOVERNANCE RELATIONS:**

In this module we will examine the concepts around reconciliation, we will also examine the future of reconciliation and its relationship with Indigenous relationships.

- TRC Calls to Action
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=c9KJM3pivKg>
- Institute on Governance's "Understanding Governance in Strong Aboriginal Communities"
- Transformational Governance: Challenges and Opportunities
<https://fngovernance.org/wp-content/uploads/2020/05/ChallengesAndOpportunities.pdf>
- Principles Respecting the Government of Canada's relationship with Indigenous Peoples
<https://www.justice.gc.ca/eng/csj-sjc/principles.pdf>

- National Post Article “Much work remains on the Truth and Reconciliation Commission’s 94 Calls to Action
<https://nationalpost.com/news/much-work-remains-on-the-truth-and-reconciliation-commissions-94-calls-to-action>

Major Assignment Due (December 4)

Note the following University Holidays:

Labour Day: September 5, 2022

National Truth and Reconciliation Day: September 30, 2022

Thanksgiving Day: October 10, 2022

Fall Reading Week: November 7-11, 2022 (inclusive)

Note: Changes may be made to the schedule in terms of dates and content according to the needs of students.

DISCUSSION FORUMS

There will be 4 Discussion Forums worth 5% each. Discussion Forums will be posted in Modules 2, 6, 8 and 11. (Required length is minimum 300 words and are due on the following Sunday of the week they are posted at 11:59 pm.)

Once Discussion Forums are closed students will no longer be able to post to them.

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? (Required length is 500 words or 2 pages double spaced and is due on October 2 at 11:59 pm.)

Commentary Two: 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). After being elected in 2015, Prime Minister Justin Trudeau declared that his government would implement all the TRC recommendations. Assess the reasonableness of this government commitment. (Required length is 500 words or 2 pages double spaced and is due on November 20 at 11:59 pm.)

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 December 4 at 11:59 pm).

TAKE HOME FINAL ASSIGNMENT

Final Project:

Based on the topics discussed in this course, review the Government of Canada's 2022-23 Departmental Plan 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 13 at 11:59 pm). The document to be used is found here: <https://www.rcaanc-cirnac.gc.ca/eng/1643042950445/1643042973736>

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. **Late Discussion Forums will not be accepted.**

EVALUATION

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| Discussion Forums (4 x 5% - Due in Modules 2, 6, 8 and 11) | 20% |
| Commentary Assignments (2 x 10% - Due October 2 and November 20) | 20% |
| Major Assignment – Book Review (Due December 4) | 30% |
| Take Home Final Assignment – Final Project (Due December 13) | 30% |

ENROLLMENT

Class enrollment will be normally limited to 30 students.

INTELLECTUAL PROPERTY ACKNOWLEDGEMENT

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