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Has Canadian colonialism finally been displaced?: Assessing Indigenous economic and social program innovation in Canada

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Abstract

Indigenous policy and policy-making in Canada has been transformed over the last two generations. Politically marginalised and stripped of significant legal power through to the 1960s, Indigenous peoples fought for and secured greater attention to their rights and aspirations, including constitutional recognition, self-government authority, and substantial influence over the development of their traditional territories. The election of Prime Minister Justin Trudeau's Liberal government in 2015 signaled the start of the most comprehensive national commitment to Indigenous re-empowerment in Canadian history. Actual progress since 2015 has been slow and, for Indigenous peoples, frustrating. But new approaches to the production of policy, clear statements on Indigenous rights and a 'whole of government' approach to Indigenous affairs has reset the trajectory of government policy. The promising developments are far from sufficient to displace the centuries-old patterns of colonisation and marginalisation, however, suggesting that Indigenous peoples in Canada continue to face formidable challenges in their pursuit of autonomy and a substantial and sustainable place within the Canadian political and economic system.

Introduction

Over the past 40 years, Indigenous people in Canada fought for and achieved constitutional recognition, the right to Aboriginal self-government, major land claims settlements, and a series of favourable Supreme Court of Canada rulings on resource development and government programming. The cumulative effect has been dramatic but not yet transformational. Economic engagement and social conditions continue to languish, and the social pathologies of remote communities are stark reminders of the multi-generational effects of colonisation, societal racism and paternalistic government intervention¹. The political and legal developments in recent years have generated some optimism, as have the decidedly pro-Indigenous pronouncements of the Liberal government led by Prime Minister Justin Trudeau, elected in 2015. While general conditions remain highly problematic, there are emerging signs of the co-production of government policy, creative and community-centric approaches to public administration, and a growing acceptance of Indigenous autonomy. Even with these constructive developments, however, the vestiges of Canadian colonialism remain strong and general Canadian and governmental attitudes toward Indigenous peoples and governments are deeply entrenched.

Since its election in 2015, the Liberal government has tackled a promising program of reconciliation through nation-to-nation engagement. (This phrase, now commonly used in Canada, refers to the direct relationship between the Government of Canada and individual First Nations. First Nations in Canada are community-level units, often with regional connections and collaborations. All members of a particular cultural group are not automatically members of the same First Nations.) (Nickerson, 2017). Even before its election, the Liberal Party indicated their strong support for the United Nations Declaration on the Rights of Indigenous Peoples.

They retracted the commitment six months after taking office, re-instated their interest half a year later, and then supported a private member's bill, Bill C-262, that called on the government to harmonise Canadian legislation with UNDRIP.²

In February 2018, the government issued a Statement of Principles designed to recast their approach to Indigenous Affairs. The statement stated that:

The Government of Canada is committed to achieving reconciliation with Indigenous peoples through a renewed, nation-to-nation, government-to-government, and Inuit-Crown relationship based on recognition of rights, respect, co-operation, and partnership as the foundation for transformative change.

Indigenous peoples have a special constitutional relationship with the Crown. This relationship, including existing Aboriginal and treaty rights, is recognized and affirmed in section 35 of the *Constitution Act, 1982*. Section 35 contains a full box of rights, and holds the promise that Indigenous nations will become partners in Confederation on the basis of a fair and just reconciliation between Indigenous peoples and the Crown.

The Government recognizes that Indigenous self-government and laws are critical to Canada's future, and that Indigenous perspectives and rights must be incorporated in all aspects of this relationship. In doing so, we will continue the process of decolonisation and hasten the end of its legacy wherever it remains in our laws and policies (Government of Canada, 2018).

The government divided the former Department of Indigenous Affairs and Northern Development into two units (Crown-Indigenous Relations and Northern Affairs and Indigenous Services) (APTN News, 2017) and committed to nation-centric decision making and policy development (Favel & Coates, 2018). Considerable energy was devoted to revising the role of the much-maligned Indian Act in the lives of Indigenous peoples and to responding to both the general guidance provided in UNDRIP and the specific directives outlined in an ever-growing set of Supreme Court of Canada decisions on Indigenous rights and title. At the political level, each appropriate federal minister received, as part of their mandate statement upon assuming cabinet office, a strong direction to work toward an improvement of Indigenous conditions.³ The Prime Minister's letter to incoming Finance Minister Bill Morneau, stated boldly:

No relationship is more important to me and to Canada than the one with Indigenous Peoples. It is time for a renewed, nation-to-nation relationship with Indigenous Peoples, based on recognition of rights, respect, co-operation, and partnership (Trudeau, 2015).

The Liberal government appeared heartfelt and sincere, even if delivery did not match promises, and practical implement fail to live up to rhetoric. Relations with First Nations, Metis and Inuit people improved, in most quarters⁴ and substantial budgetary allocations underscored the seriousness of the government's plan. Assembly of First Nations National Chief Perry Bellegarde referred to the government's 2016 budget as 'historic' and said 'What I see today is a break against the status quo. Once you start making those key investments now, it's good for Canada, it's good for this country, because those high social costs are going to start coming down' (Fontaine, 2016). The changes, while all works in progress, have been sufficient to raise the hope of Indigenous peoples in Canada that the country had stepped away from its colonial past. The challenge to change the trajectory of Canadian policy and the outcomes for Indigenous peoples of Canada, of course, is formidable.

The trajectory of the Trudeau government's Indigenous program hit a major roadblock at the end of August 2018. An alliance of West Coast First Nations and environmentalists fought against the Government of Canada's 2016 approval of the Trans Mountain pipeline. They won a major victory in the Federal Court of Appeals which overturned the pipeline permits and ordered the Government of Canada to redo the consultation processes. While coastal First Nations celebrated, Indigenous groups in the interior, many of whom supported the pipeline, criticized the court decision. The Trudeau administrative, has sent decidedly mixed-messages about development, resources and Indigenous rights, found themselves caught in the contradiction of their own policies. Trudeau's attempt to middle road through the complexities of Indigenous politics appeared to have ground to a halt (Paling, 2018).

The Indigenous Peoples and Governments in Canada

The general Canadian pattern of Indigenous-government relations in Canada is understood only in the broadest possible contours. In the early years of contact, the 'mutually beneficial economic symbiosis' of the North American fur trade provided an excellent foundation for collaboration (see Fisher, 1977), offset substantially by the devastating effects of introduced European diseases that wiped out much of the population (Cameron et al., 2015). In the east – New France and, after 1763, British North America – Indigenous communities played major diplomatic and military roles, alternately as enemies and allies of the often-warring European powers. With the final resolution of the battle for North America, which effectively

ended only in 1815 with the stalemate in the War of 1812, Indigenous peoples were relegated to the background of public affairs and governments. Treaties were signed in what is now Ontario in the mid-18th century, and colonial governments primarily focused their efforts on avoiding American-style conflicts with settler societies and avoiding penury among the Indigenous peoples. Given known demographic trends, highlighted by continuing population loss, colonial administrations appeared to view Indigenous reserves as either centres of assimilation or as cultural hospices, designed to house Indigenous peoples until their seemingly inevitable demise (Miller, 2000; 2009).

Indigenous resilience in the face of the sustained biological assault and a variety of colonial and assimilationist policies, was matched by the determination of the British and, after 1867, the Canadian governments' efforts to ensure that Indigenous peoples did not interfere with the settlement and development of the northern half of North America. The signing of the numbered treaties, which began on the prairies in 1871, saw what the Government of Canada viewed as the Indigenous surrender of – or, as they put it, their willingness to share – their lands in return for education, medical care and assistance in making the transition to the world of commercial agriculture and industry (see Miller, 2000; Hall, 2016). In 1876, the Government of Canada passed the 'Indian Act', which codified the unique and limited legal status of Indians (but not the Metis and Inuit) and which focused First Nations lives on official government-established reserves. There were minor modifications – both in the direction of aggressive assimilationist and anti-Indigenous cultural regulations in the early 20th century and the beginnings of reform after World War II – to the Indian Act. Only with the re-empowerment of Indigenous peoples through the protests of the 1960s and 1970s did conditions begin to change dramatically.⁵

The Administrative Marginalization of Indigenous Peoples

Indigenous peoples played essential roles in the early history of the northern half of North America. The fur trade, which led the commercial occupation of what became known as British North America, spread from the Maritimes and St. Lawrence River valley across the Canadian Shield, over the Rocky Mountains to British Columbia, and along the Mackenzie and Yukon River valleys in the Northwest. The fur trade had its excesses, particularly at times of peak competition led by the London-based Hudson's Bay Company and the Montreal-centred North West Company, that included urging Indigenous peoples to buy liquor and encouraging rapid exploitation of local fur resources. While the agricultural settlement frontier pushed the fur trade to the northward, the commercial exchange of furs remained the economic foundation of the Indigenous life in much of what became Canada into the 1960s. Ironically, it was polyester and not farming that undermined the fur trade economy that sustained most Indigenous peoples. The fur trade continued after the 1950s, albeit on a smaller scale. The embargo on the importation of furs into Europe in the 1990s had a severe impact on the remaining stronghold of the fur trade in the Arctic (Wenzel, 1987; Sellheim, 2015).

The centrality of Indigenous peoples to the fur trade – they caught, treated and transported the furs to market, served (particularly the Metis) as labourers for the companies, sold food to help sustain the trading posts, and had many of their women marry the fur trade officers and workers – was replicated in the early military and diplomatic history of the continent. As the major powers, particularly the French and British, vied for control of northern North America, including the conflicts associated with the American Revolution and subsequent United States of America struggles with Britain, the First Nations in the Maritimes and around the Great Lakes played vital roles. In issuing the Royal Proclamation of 1763 which assure Indigenous peoples that treaties would be signed before their lands were occupied, the British government gave the impression that future relationships with their Indigenous allies would be real partnerships. As the Assembly of First Nations said of the Proclamation:

October 7, 2013 will mark the 250th anniversary of the Royal Proclamation which led to the Treaty of Niagara one year later. While some view the Proclamation as merely a pre-cursor to colonisation, it is also widely viewed as setting the foundation for Treaty-making between First Nations and the Crown (now Canada), an approach that was to be based on partnership, mutual respect and mutual recognition and something that remains absolutely relevant today. (Assembly of First Nations, 2013).

The British battles during the War of 1812 relied heavily on Indigenous allies, who were treated with respect and nation-to-nation collaborations with the Queen's representatives (Allen, 1996).

For most of the contact period—from the early fur trades in the first years of the 17th century through to the end of the 19th century and, in sub-Arctic and Arctic regions to the 1950s – Indigenous peoples held an equitable, which is not to say equal, role in the unfolding British North American order (Ray, 2016). They traded, generally on a fair basis, and were treated as allies or foes, depending on the geopolitical circumstances, from the time of first contact in the Maritimes in the 1700s through to the initial relationships off the coast of British Columbia in the 1870s and 1880s. The collaboration ended when the Indigenous peoples were no longer 'usable', either as commercial partners or diplomatic and military allies. By the mid-19th century, as hundreds of thousands and late millions of settlers moved into British North America (Canada after 1867), Indigenous peoples had come to be seen as a potential barrier to 'progress' and an impediment to the peaceful occupation of the land – a realistic prospect given the level of violence along the

American settlement frontier. Government programming fell into a pattern of civilisation, separation and assimilation: promoting integration for those Indigenous peoples able to make the transition, keeping distance between the traditional people and the newcomers as a means of 'protecting' them from outsiders, and an aggressive dose of Christianisation and capitalism to bring them closer to national values (Tobias, 1992).

The Government of Canada was half-hearted in almost everything that it did with, and for, Indigenous peoples. Controlling costs was more important to Ottawa authorities than actually delivering effective programs. Assimilationist efforts were largely ineffective, as were educational initiatives. What the government did manage to do was to build on nationwide racism and discrimination to marginalise Indigenous peoples, in economic, political, social and cultural terms. Prohibitions on Indigenous legal action and political mobilization – the latter resisted by many communities and organizations – made it largely impossible for Indigenous peoples to fight back, ensuring that the country as a whole paid little attention to community issues and worried little about the ongoing poverty and social distance from other people in Canada. Most Indigenous peoples continued to reside in rural and remote areas, relying heavily on a still vibrant fur trade economy and drawing much of their sustenance from the land.

Indigenous Peoples and the Social Welfare State

Canadian policy shifted dramatically after World War II. A combination of forces – the discovery in Nazi Germany of the poisonous depth of racism, the concern that the post-war world would fall back into the economic chaos of the global depression of the 1930s, a United Nations-fuelled concern about human rights, and a growing realisation in the industrial west that a better balance was required between the life circumstances of the well-to-do and the working poor – pushed Canada and other nations to rethink their approaches to Indigenous affairs. Indeed, in Canada, Indigenous programming became something of a showpiece for the social welfare aspirations of the Government of Canada (Coates, 2004).

The list of Indigenous policy initiatives in the 1950s is quite substantial: a review and modification of the Indian Act; the expansion of services on official Indian reserves; a major government housing program; the gradual expansion of Indigenous basic rights (the right to vote was granted in 1960); a rapid growth of residential school education and, where possible, reserve-based day schools and integration into provincial and territorial schools; the addition of new social welfare and transfer programs, economic development initiatives; and a major expansion of health care services, including the removal of large numbers of Inuit and First Nations people to tuberculosis sanatoriums. Budgets expanded accordingly, as did the number of civil servants assigned to the Department of Indian Affairs and Northern Development offices in Ottawa and across the country. The government's motivations, far from altruistic, focused on promoting Indigenous assimilation and permitting economic development in Indigenous territories and had often devastating effects on Indigenous people and communities. The post-war period saw the rapid militarisation of the Canadian North in response to Cold War tensions between Canada and the United States and the even faster development of the natural resource wealth in the middle and far north (Coates, 1985; Coates & Power, 1989; Coates & Morrison, 1992; Grant, 2001).

There were occasional achievements of note among the government's initiatives – the program designed to develop Inuit art and carving programs in the Arctic and to establish Arctic cooperatives had substantial and positive effects – the overall effect was decidedly negative. The simultaneous collapse of much of the commercial fur trade forced Indigenous peoples to accept government transfer payments, producing welfare dependency by the 1960s. The shift to permanent residency on reserves undercut the mobile lifestyle that had sustained many of the inland, Arctic and sub-Arctic Indigenous peoples for centuries. Indian Act band governments, under the watchful eyes of local Indian Agents, provided the appearance but not the reality of Indigenous influence over reserve affairs. Poorly built houses were rarely constructed in sufficient quantity or quality to meet community needs. Many of the initiatives, particularly in education and health care, failed to produce the desired outcomes. By the late 1960s, the government was pulling back from its newly expanded residential school program, the first of many admissions of the massive policy failure (Malloy, 2017; Miller, 2017). And far from being grateful for the government benevolence, Indigenous peoples pushed back at the heightened level of intervention and centralized control.

To Be a Colonised People: Indigenous Peoples and Non-Indigenous Control

It was in the post-World War II era and not, as most people believe, in the 19th century, that the full force of Canadian colonisation was felt among the Indigenous communities⁶ The language of decolonisation is now commonplace in discussions of Indigenous affairs in Canada, made so in large measure by the consistent use of such terms by Indigenous politicians and academics. Teaching and research on Indigenous matters in Canada is suffused with the analysis of colonialism, paternalism, and racism. Most Canadians do not realise how much of a change this represents from the rhetoric of domination of the 1960s and 1970s and the thin veneer of racism that continues to define non-Indigenous attitudes toward Indigenous peoples.

The Truth and Reconciliation Commission (TRC) explored residential school education, one major aspect of this colonial relationship. They managed, through hearings across the country and high-profile reports and speeches, particularly by the Chair, Justice Murray Sinclair, to highlight the personal and multi-generational impact of the church and government scholars. The Government of Canada, in setting up the TRC, had also issued a formal apology to students at residential schools and set up a substantial fund, eventually amounting to over \$2.5 billion, to compensate survivors for the cultural, social and physical indignities they suffered while in the schools (Llewellyn, 2002; Green, 2012; Funk-Unrai, & Snyder, 2007).

The emphasis on residential schools has been matched, at least in part, by wider appreciation for the collective effects of rampant discrimination and racism. The Supreme Court of Canada recognised this reality in their 2012 decision in *R v. Gladue*. The applicant, Jamie Tanis Gladue, had been convicted of manslaughter for killing her boyfriend. In sentencing Gladue, the judge considered 'mitigating' factors, including her Aboriginal heritage (*R. v. Gladue*, 2012).⁷ The Gladue decision, and the subsequent Ipeelee ruling, also in 2012, compelled judges to consider the consequences of multi-generational trauma as a potential influence on an offender. Courts routinely request 'Gladue Reports' as part of pre-sentencing preparations.

The attention given to long-term and collective trauma may not have resulted in broad societal sympathy for Indigenous peoples but it has factored into legal and political decision-making procedures. The pattern persists of focusing on specific government programs (residential schools), people (such as Canada's first prime minister, John A. Macdonald, who has been vilified for his role in mistreating Indigenous peoples), with much greater emphasis on 19th and early 20th century processes and much less on more contemporary manifestations of Indigenous marginalisation. Specific critiques have been offered of such policy elements as reserve establishment, aggressive assimilation strategies, anti-culture programs (against the potlatch and the Sun Dance, for example), constraints on political and legal actions by Indigenous peoples (restrictions on hiring lawyers or holding public meetings with the intent of pressuring government) (Cole, 1990).

These policy critiques, appropriate on their own, miss the collective impact and broad scale of Indigenous marginalisation. They also focus on government policy, unintentionally, limiting attention on society at large. In a classic example where the whole is much greater than the sum of the parts, Indigenous peoples suffered from a force much stronger than numerous small policy interventions, some of which were not implemented in many communities.⁸ In Canada, it is fair to describe post-1850s government policies and societal regulations as constituting a 'total institution' in which the dominant society used all range of measures to control a target population (Wallace, 2017; Elkins, 2013; Clegg, 2006). The concept of a total institution has been used to describe the institution of American slavery and Nazi concentration camps, two institutions that stripped individuals and families of their freedoms and suffocated them in regulations and various methods of social control. Canadian Indigenous policies lacked the rigid enforcement of slavery or concentration camps – the regulation of reserves bore little resemblance to the other institutions – but the oppressive management of Indigenous affairs combined, as for the Jews in Nazi-era Europe and African and African-American slaves in pre-Civil War America, with intense racism and deep patterns of discrimination. In all three examples, strict government laws and regulations were buttressed by widespread hostility and social animosity, including institutionalised patterns of discrimination. While there were, in each instance, examples of humanity and generosity of spirit directed at Jews, slaves and Indigenous Canadians, far more common and more oppressive was the combination of societal disapproval and government-sanctioned discrimination, which included physical isolation or separation from non-Indigenous peoples, differential access to government funding, uneven punishments, or bureaucratic interventions.

In the Canadian public imagination, the Indigenous crises originated in post-Confederation Indian policies. In many parts of Canada, Indigenous peoples enjoyed considerable freedom until the 1960s, maintaining a harvesting lifestyle and having little, if any, contact with the dominant society, save through colonial agents like policy officers, government agents and missionaries (Dunning, 1959; Morantz, 2002). Some of the government interventions, such as a nation-wide tuberculosis campaign, separated individuals from their families and communities and caused widespread suffering (Grygier, 1997). As resource development intruded onto more Indigenous territories, and as more Indigenous peoples moved into towns and cities, Indigenous peoples experienced more of the social pathologies – drug and alcohol abuse, domestic violence, extreme poverty, family and community break down – that dominate public awareness of their existence (Coates & Powell, 1989).

Indigenous Peoples and the Economic Power of Indigenous Rights

The turning point in Indigenous affairs in Canada related to the economic authority of Indigenous communities. For generations, Indigenous peoples had no real role in the development of resources on their territories. From a standing start in the mid-1960s, when even the ability of Indigenous peoples to hunt in order to feed themselves was not assured, Indigenous peoples in Canada started a legal battle for their resource rights (Foster, Raven, & Webber, 2011; Corntassel, 2008; Coulthard, 2007). Initial protections for the Indigenous right to hunt and fish for food and ceremonial purposes started the change. Two Supreme Court of Canada decisions in 2004, the Taku and Haida cases, advanced the Indigenous cause further, establishing a 'duty to consult and accommodate' Indigenous interests before governments and resource companies can proceed with development (Newman, 2009).⁹ This, in turn, caused the governments and companies

interested in developing a mine, significant forestry initiative, hydro-electric facility, oil and gas field or major infrastructure project to complete extensive discussions with local Indigenous communities and, where significant social, economic or environmental effects were anticipated, compensation was required (Newman, 2009).

The newly established requirements produced substantial benefits for hundreds of Indigenous communities which, contrary to the general public perception, were not automatically opposed to resource projects (Coates & Crowley, 2013; O'Faircheallaigh & Corbett, 2005; Gibson & O'Faircheallaigh, 2010). Companies, (governments were not directly involved in reaching the agreements), typically provided some cash payments to the communities, assurances of employment and training opportunities, and preferential contracting arrangements. In many instances, resource firms and Aboriginal economic development corporations established joint venture companies to assume responsibility for major business activities, adding to the jobs an income for the communities involved. In some instances – Suncor's \$500 million equity collaboration with the Fort McKay First Nation and the Mikisew Cree First Nation is perhaps the best-known example – Indigenous communities assumed equity positions in aspects of the new projects (Bird, 2017).

In less than a decade, the duty to consult and accommodate requirements, combined with Supreme Court decisions that increased the authority of Indigenous peoples in areas such as environmental assessments, monitoring and remediation gave Indigenous communities and ever-increasing role in natural resource development (Coates & Crowley, 2013). That the empowerment of Indigenous peoples on development issues coincided with modern treaty settlements, other major financial agreements, the advent of government resource revenue sharing, and specific claims settlements (which occasionally resulted in multi-million-dollar resolutions) meant that the communities had investment and business capital available to them at precisely the time that they had a legally-mandated expanded role in the broader development sector.

It is easy to overestimate the economic and community-wide impact of enhanced engagement in the natural resource sector. Companies rarely meet their targets for local Indigenous employment and training, often because of a shortage of qualified and willing Indigenous workers. Relatively few Indigenous workers moved from entry-level and low skilled positions into middle and senior management roles. Similarly, even highly successful Aboriginal Economic Development Corporations struggled to find local employees. One northern development corporation has enough jobs available to produce full employment for their small community but counts only a dozen local residents among the more than 300 people working in their subsidiary companies and on local contracts¹⁰. The economic development corporations take a community-centric approach to company activities and seek to maximize employment and community benefits rather than produce the highest possible profits. They invest heavily in training and education, take a longer-term view on company plans, and contribute to the development of other locally-owned companies. They are also generally support of traditional economic activities and support culturally programming when financially feasible. The large scale of the agreements with resource firms – a Saskatchewan accord saw a company commit to payments of some \$2 billion dollars over 10 years, divided among five isolated communities and a village of less than 2,000 people in northern Alberta secured some \$350 million in contracts per year (Cameco, 2018). – suggested that prosperity was around the corner (Gladu, nd). Even agreements of this scale were not sufficient to immediately set right the entrenched economic challenges of the communities, many of which wrestled with multi-generational poverty, major infrastructure deficiencies, and persistently high unemployment.¹¹ People expecting rapid transitions to more robust economies were disappointed. And communities without significant resource development activity in their territories had few if any prospects for improved economic activity.

If immediate economic results were not forthcoming, numerous Indigenous communities found themselves on new and more constructive trajectories. Most Indigenous governments had to adapt to the steady outmigration of residents to nearby towns and cities and often to distant locations. and had to expand their service operations to include both the reserves and distant towns. The communities invested heavily in advanced education, particularly for young women, counting on college and university programs to increase Indigenous capacity for government and business. And even when the graduates did not return automatically to their communities, the younger professionals often remained actively involved in Indigenous affairs, political, cultural and commercial. Communities that, in the 1970s and 1980s, might have owned little more than a local retail store or shares in a regional cooperative, often now had half a dozen locally-owned businesses, major contracts with resource companies, investments in regional firms like airlines and hotels, and major educational and training activities. Some groups – the Innu in northern Labrador, the James Bay Cree, the Inuit in Nunavut and the Inuvialuit in the Northwest Territories – developed regional economic strategies, often including large scale infrastructure and corporate investments.¹² Although the developments were comparatively small, collectively the Indigenous economic activity represented a significant effort to buy into the Canadian economy and to provide Indigenous communities with the economic and employment opportunities they needed.¹³

Critics of the Indigenous effort to expand their legal and constitutional rights used to argue that they were better off focusing on economic development (Smith, 1995) – they have been proven wrong. It turned out that Indigenous and treaty rights, constitutionally protected and court-defined, could and did produce substantial and enhanced economic activity. The conversion of court-won rights, supplemented by negotiated settlements with governments and companies, had transformed the commercial opportunities for Indigenous

communities across the country, many of which enjoyed considerable success in terms of business development and Indigenous employment. With only a few exceptions, (some urban First Nations produced substantial revenue and the Fort McKay First Nations generated an average family income of \$125,000 tax free for its residents) (Flanagan, 2018), Indigenous communities did not become wealthy. But they had become more economically stable and, for the first time in generations, could hold out the promise of decently paid long-term employment, combined with substantial community economic benefits.

Social Programs and Indigenous Realities

Economic opportunities did not immediately address the myriad social, cultural and political challenges in Indigenous communities. The widespread social pathologies, easily traceable to hundreds of years of colonialisation, government intervention and systemic racism, of Indigenous peoples are well-known: staggeringly high suicide rates; high levels of domestic violence; widespread drug and alcohol abuse; massive over-representation of Indigenous peoples in the legal and prison systems; endemic diseases (including diabetes, sexually transmitted diseases, HIV/AIDS, and diabetes); and serious overcrowding in typically poorly built homes. Indigenous governments struggled to address systematic local and social problems while they also negotiated with governments and companies, contemplated complex legal processes, and tried to build viable Aboriginal economic development corporations. These were social, economic and political challenges that exceeded anything facing non-Indigenous communities across the country. And overlaying these issues was the steady decline in Indigenous language use, traditional land-based and cultural activities, including changing relations with Indigenous elders.

Indigenous women played vital and expanding roles across the range of government activities, but were particularly active in educational, health and cultural affairs. They slowly rebuilt local, Indigenous-controlled institutions and rebuilt the communities' capacity to care for themselves. The challenges were such that change came slowly and erratically through the development of self-governing First Nations, community-run health centres and schools, local and regional cooperatives, cultural revitalization programs and the like. Some areas – the British Columbia Coast, select communities in Yukon, the James Bay Cree and Inuit of northern Quebec, the Innu of Labrador and urban First Nations including the West Bank, Musqueam and Squamish First Nations in BC – have seen sustained growth. Others, including Osoyoos in BC, White Cap in Saskatchewan, Membertou in Nova Scotia, have prospered, typically tied to powerful and effective local leadership. Government funding has been inconsistent, typically focused on pilot projects, subject to regular application and revenues, and, in the case of education and health care, both seriously deficient and not typically well attuned Indigenous cultures and values. Improved outcomes came, slowly and with substantial variations between communities. Given the propensity of media to focus on conflict and community crisis, continuing problems, particularly with local violence, attracted a great deal more attention than incremental improvements in educational and health outcomes.

Locally programming produced significant results, with the Government of Canada's willingness to support Indigenous self-government and decentralised administration slowly strengthening the hand of local authorities. Small scale experiments followed, with the federal government testing the idea of pool funding (assembling notional allocations for all programs into a single sum) and allowing the First Nation to spend the money as they saw fit, without the complex applications and reporting that had long overwhelmed small Indigenous governments.¹⁴ The continuing expansion of Aboriginal self-government, including through negotiated self-government agreements that had the benefit of being constitutional protected, signalled an important shift in authority from the national government to the Indigenous authorities.

Cindy Blackstock, a formidable Indigenous advocate whose work has focused on social programs, became increasingly frustrated with the slow government response to deep problems and inadequate funding for Indigenous initiatives. She took the Government of Canada to the Canadian Human Rights Tribunal, securing a 2016 decision that support her allegation that the underfunding represented systemic discrimination against Indigenous peoples. The Government of Canada agreed to address the funding gap – also responding to a concept popularised as the Jordan's Principle which challenged authorities not to allow jurisdictional disputes between federal, provincial and territorial governments to delay the delivery of services to Indigenous peoples (Blackstock, 2012) – but moved slowly on addressing the need. Governments and Indigenous peoples discovered, as well, that money was far from the only problem facing communities, which struggled also to find suitable and trained social workers, psychologists and other professionals and to identify programs and treatment regimes that would meet the demonstrated needs.¹⁵

The Indigenous Mandate of the Trudeau Government

The Indigenous programs of the Trudeau government represented the largest and most comprehensive rethinking of programming in the field in Canadian history. While public attention focused on monetary commitments, there was a fundamental reconstruction of government-Indigenous relations underway. The Government of Canada issued in February 2018, a Statement of Principles that outlined an aggressive strategy for restructuring legal and political relationships. This involved a review of how the government handles the thousands of court cases launched in defence of their rights by Indigenous communities. There was an unprecedented commitment to involving Indigenous governments in the formulation of policy and

budgetary priorities. The transitions included the division of the Department of Indigenous and Northern Affairs, initially into two departments and, with the movement of Northern Affairs to another Minister in July 2018, three administrative groupings.

The transition to Indigenous engagement was not seamless. An invitation to Indigenous leaders to attend a national summit on climate change unfolded poorly when the Indigenous representatives discovered that they were expected to meet separately from the provincial and territorial leaders. Prime Minister Trudeau's opposition to energy pipelines earned him considerable support from some Indigenous leaders and environmentalists but enthusiasm for the Prime Minister slipped dramatically when the Canadian government adopted a more pro-pipeline stance in 2018 and, in late spring, announced the federal purchase of the controversial Trans Mountain pipeline. While the Indigenous leadership understood the historic nature of the Trudeau government's pivot on Indigenous affairs, they had to deal with continued community-level unease with the slow progress of various funding, service and infrastructure issues. National Chief Perry Bellegarde of the Assembly of First Nations, in particular, was criticised for being too close to the Trudeau administration and was pressured to speak out more forcefully against the government. (Bellegarde was re-elected as National Chief in July 2018, securing a solid endorsement of his approach to government relations) (The Canadian Press, 2018). Importantly, pro-business Indigenous leaders appeared to be devoting less time and attention to national issues, focusing instead on improving capacity and employment, business development and investment strategies. Ironically, the era of unprecedented government attention on Indigenous matters generated a reaction from some Indigenous leaders that federal authorities should get out of the way¹⁶

Deliverology Stalled: Liberal Engagement with Indigenous Aspirations

It was unrealistic to assume that the Trudeau government would set right generations of discrimination and mistreatment in a single term, let alone the first three years of their mandate. When first elected, the Liberals established a unit devoted to the new 'science' of deliverology, or the systematic and ongoing evaluation of government program implementation. The idea – and promise – was that the government would hold itself to its formal commitments and would report publicly on its progress toward its established goals (Curran, 2016). The deliverology concept, while officially alive, has been shifted to the backburner, particularly with regards to Aboriginal issues. Indeed, reports from the Auditor General of Canada focusing on community well-being and on-reserve education, demonstrate that even the provision of additional funds do not produce quick turnarounds.

Indeed, the experience of the Liberal government to 2018 demonstrates the political dangers of over-promising. By 2018, Indigenous leaders routinely expressed profound disappointment with government actions, even though the Liberal administration was clearly the most pro-Indigenous government in Canadian history. Some of the promises were simply ill-advised. The Prime Minister's often quoted comment that 'Governments grant permits, communities grant permission,'¹⁷ made him a (temporary) hero within the environmental movement, but the position could not hold in the face of the economic importance of natural resource development. Other commitments such as the pledge to address the drinking water advisory that hang over dozens of Indigenous communities, could have been addressed but for want of money. More generally, the promise of a new nation-to-nation relationship was too vague and lent itself to widely varied interpretations by Indigenous governments and organisations and equally, by Canadian government agencies.

Toward the End of Indigenous Colonisation?

This essay commenced with a simple question: has Canadian colonialism been displaced? In structural terms, in the operations of the economy, governance and society at large, the answer is that it has not been undermined, let alone overturned. There is ample evidence, including a May 2018 national poll that revealed declining Canadian support for Indigenous programming and growing concern over the government's attention and spending on Indigenous affairs (Hutchins, 2018). Having been elected with clear commitments to raising the profile of Indigenous issues, the Trudeau government has to cope with the reality that the sustained effort on these matters has neither produced dramatic changes in Indigenous realities nor resulted in greater support for the well-intentioned Trudeau Administration.

Indigenous governments and organisations have worked well with the federal government. The 2005 national effort was coordinated by then-Prime Minister Paul Martin, to develop a federal, Indigenous, provincial and territorial consensus on appropriate increases funding for Indigenous programs and services. When the Liberals lost the 2006 election, the Harper government stepped away from the carefully negotiated Kelowna Accord (Patterson, 2006). During the last years of the Conservative government under Prime Minister Stephen Harper, Indigenous groups recognised the need to collaborate with the national government. They pushed for, and received, substantial increases in funding for Indigenous education, only to have the deal unravel due to difficulties within the Assembly of First Nations (Graveland, 2014).

While federal government programs and the continued effort to clarify Indigenous rights will remain core elements in the Canadian effort to define Indigenous futures, the Indigenous pursuit of autonomy has tilted in a different direction. For the past 20 years, Indigenous leaders have focused equally, if not more so, on business development and investment. The natural resource sector has been transformed dramatically, with major improvements in resource revenue sharing and Indigenous employment. Hundreds of communities have impact and benefits agreements with resource companies, producing collective benefits in the hundreds of millions of dollars (Caine & Krogman, 2010; Cameron & Levitan, 2014; Coates, 2015). Of potentially greater significance, Aboriginal Economic Development Corporations and Indigenous-owned and controlled business have expanded operations, reaching well beyond the resource sector and including all manner of equity and operational investments. With assets now counted in the tens of billions of dollars, Indigenous governments and organizations have already begun to make their presence felt across the Canadian economy. Indigenous communities own, all or in part, regional airways, hotels, wineries, restaurants, large scale residential developments, casinos, contentious tobacco shops, parking lots, retail complexes, oil and gas service and supply companies, and hundreds of other businesses. They have launched and sustained community-owned cooperatives, built effective artist cooperatives, established Indigenous-owned banks and financial institutions, and created numerous third-party service delivery firms to support government activities. Indigenous communities have adopted a variety of ownership and management styles, with many observing enviable standards of transparency and community engagement. When the Government of Canada purchased Trans Mountain Pipeline in May 2018, there was considerable surprise when groups of First Nations emerged as the likely downstream purchasers of all or part the large infrastructure project.

In an unexpected twist, business development and community investments appear to have taken almost equal status with government programming and the legal clarification of Indigenous rights. Indigenous communities and key leaders are devoting increasing efforts to managing their economic development corporations and broadening their investment base. The growth of Indigenous businesses – at a pace substantially greater than for the country as a whole – has brought greater confidence to the communities and more substantial economic control. In the minds of some observers, Indigenous affairs have reached an inflection point, shifting from an emphasis on government programming to Indigenous-controlled business development. The inability of government services and programs to deliver real and sustained improvements in Indigenous living conditions, despite years of effort and the expenditure of billions of dollars, has convinced a growing number of Indigenous leaders to focus their efforts on improving local autonomy.

With the completion of more modern treaties, major financial accords, and substantial Indigenous investments, Indigenous communities are increasingly able to distance themselves from the Government of Canada. Modern treaties, as part of the terms of the agreement remove the Indian Act from the lives of beneficiaries and signatory communities. Other groups, working outside the treaty process, are currently negotiating themselves out of the Indian Act through other means, although eliminating the Indian Act will be difficult and controversial (see Edmond, 2015; Coates, 2008). Some are using their new-found financial resources to cover the costs of their local governments, ensuring increased autonomy and removing one of the major irritants in the Indigenous-government relationship. The long-standing structures of Indigenous governance, based on federal funding and policy direction and leaving Indigenous peoples in a largely supplicant role, are being slowly transformed. It is much too early to know if the current trajectory will be maintained, let alone expanded, and even less if the shift to more business-oriented approaches will produce improved socio-economic and cultural outcomes.

Some Indigenous thinkers and leaders are not comfortable with the existing or the emerging approaches. In the Executive Summary of a critical commentary report on the Trudeau government's plans, King and Pasternak (2018) argue that:

Our analysis reveals that the Rights Framework expresses a clear and coherent set of goals, which aim to suppress Indigenous self-determination within Canadian Confederation. These goals have been ordered into legislation and policy in a manner that guides First Nations towards a narrow model of "self-government" outside of the Indian Act. And remarkably, though labelled as new and transformational, the model reflects older and largely discredited approaches (King & Pasternak, 2018).

Pam Palmater has been equally dismissive of the Liberal government's efforts:

This is the well-choreographed dance used by Trudeau to make Canadians and Indigenous peoples believe that he is making great strides, 'absolutely historic' advancements, or engaging in a 'fundamental rethink' of the relationship with Indigenous peoples. Sadly, the AFN has become a willing partner in this deception. Had the AFN been doing its job, it would have advised First Nations not to count on the speeches and announcements, but to force hard commitments on paper. It should have been concerned that Trudeau's legislative framework idea is yet another federal government idea, much like the creation of two Indian Affairs departments – neither of which was requested or developed by First Nations (Palmater, 2018).

Advocates of the Indigenous rights paradigm, including King, Palmater and Alfred (2005), favour asserting Indigenous autonomy and using the courts to further define and re-enforce the authority of Indigenous governments and communities. Given the importance of the natural resource sector to Indigenous commercial aspirations, it is not surprising that Indigenous environmental activists are uneasy with the convergence of Indigenous autonomy and greater commercial engagement in resource development. There is, to be clear, no consensus among Indigenous communities, and even within Indigenous communities, about the best way to proceed.

It is, however, now possible to see a potential path toward decolonisation. While there is no consensus – and a great deal of disagreement – about the forms that decolonisation of Indigenous Canadians should take in the coming years, this analysis of the Canadian political and legal landscape suggests the core elements of one possible path forward:

- Full and collectively understood Indigenous rights that recognize the centrality of Indigenous peoples within the Canadian constitution and legal system and that underpin Indigenous aspirations and ensure appropriate levels of Indigenous control;
- Economic systems and opportunities that provide Indigenous communities with the opportunity to produce sizeable and sustained financial returns, thereby supporting Indigenous autonomy from the Government of Canada;
- Clear relationships with the Government of Canada and sub-national units (provinces and territories) that ensure that major policies and budgetary priorities are set jointly with Indigenous governments;
- Indigenous control of key programs and services, including education and health care, to ensure the incorporation of Indigenous knowledge and culture and to ensure that the outcomes from these central government offerings coincide with Indigenous values and objectives.

Such an approach also requires, to be truly secure, substantial changes in the attitudes and values of the dominant society, elements that may be more difficult to change than government policies and economic systems. Racism, in the final analysis, is a central pillar of colonialisation, for it generates the confidence and cultural superiority necessary for one group to impose its will on another. Racial feelings are also among the most resistant to change, potentially spoiling or slowing progress toward comprehensive decolonisation.

Realists will review the current socio-economic and cultural circumstances in Indigenous populations in Canada and find the prospects of effective decolonisation to be slim, if not unattainable. Optimists, looking back over 40 years of Indigenous resistance and mobilisation and appreciating the dramatic improvements that have occurred, will see the necessary policy shift as being possible, if not assured. That several of the key elements – Indigenous rights, natural resource development, and community economic autonomy – are both linked to the economic prosperity of the country as a whole gives Indigenous people unexpected and uncharacteristic authority in national debates. At present, it is possible that progress toward decolonisation will continue and, because of Indigenous economic authority, is unlikely to stall entirely. It is clear, however, that empowered and increasingly confident Indigenous governments, having regained much in recent decades, will continue to press for the authority, resources and opportunities needed to improve conditions for their people and overturn the hundreds of years of colonisation that attempted to undermine their cultures and destroy their worldviews.

Notes

1 For a guide to socio-economic and cultural data on Indigenous peoples in Canada, see the helpful listing at <https://libguides.tru.ca/censuscanada/aboriginalstats>.

2 The text of Bill C-262, introduced by NDP member Romeo Saganash, can be found at <https://openparliament.ca/bills/42-1/C-262/?tab=mentions>.

3 The texts of the mandate letters can be found at <https://pm.gc.ca/eng/mandate-letters>. The same language was in all other letters to incoming ministers.

4 Notable tensions remained with First Nations in British Columbia, some of whom opposed the construction of the Site C dam and other who protested the planned construction of the Kinder Morgan Trans Mountain Pipeline. When the Trudeau government authorised both projects, Indigenous leaders claimed that they had been 'betrayed' by the Liberals. See, for example, <https://www.cbc.ca/radio/thecurrent/the-current-for-august-24-2016-1.3733551/site-c-dam-project-betrays-trudeau-s-commitment-to-first-nations-say-critics-1.3733566>.

5 The text of the Indian Act can be found at <http://laws-lois.justice.gc.ca/eng/acts/i-5/>. For a thoughtful introduction to the Indian Act, aimed at university undergraduates, see https://indigenousfoundations.arts.ubc.ca/the_indian_act/.

6 Canadian scholarship has focused on the 19th and early 20th century. There have been few studies of the post-World War II period. The crucial importance of the post-war era is documented in the report of the Royal Commission on Aboriginal Peoples (Government of Canada, 1996).

7 See also a companion case, *R. v. Ipeelee*, <https://www.canlii.org/en/ca/scc/doc/2012/2012scc13/2012scc13.html>.

8 The best example of this process is the 'pass law' which gave Indian agents and police officers the authority to prohibit First Nations from leaving their reserves and to require a 'pass' for a First Nations person to leave the reserve. The law was used largely on the prairies and on reserves that were close to non-Indigenous settlements. In other communities, well into the 1960s, authorities used curfews to govern Indigenous movements. In many parts of the country, particularly in northern and remote regions, there is little evidence that the pass laws were ever formally implemented.

9 See *Haida Nation v. British Columbia (Minister of Forests)*, Supreme Court of Canada, 2004 SCC 73. *Taku River Tlingit First Nation v. British Columbia (Project Assessment Director)*, Supreme Court of Canada, 2004 SCC 74.

10 Personal communication with the President and CEO of a northern AEDC. The Corporation did not wish to be named.

11 Estimates of Indigenous unemployment rates are notoriously unreliable. While the official rate in rural and remote areas are often reported to be around 25%, local officials identify much higher rates. Official data under-reports traditional economic activities has difficulty tracking seasonal employment and struggles to cope with the movement of individuals in and out of their communities. Indigenous leaders routinely describe local employment rates of 75% or higher, reporting that many able-bodied adults have ceased to look for work, and therefore do not count in official statistics.

12 See, for example, the plans of the Grand Council of the Cree (<https://www.cngov.ca/>), the Nunavut Development Corporation (<https://ndcorp.nu.ca/>) and the Tahltan Development Corporation of British Columbia (<http://www.tndc.ca/about>).

13 The Canadian Council of Aboriginal Business is the best source for information on Indigenous business development. They are currently completing a study of 100 communities across the country, focusing in business operation and community governance. Their work can be found here <https://www.ccab.com/>.

14 This initiative is currently being tested in a set of remote, fly-in communities in northern Ontario.

15 Cindy Blackstock is a key representative of the First Nations Child and Family Welfare Society of Canada (<https://fncaringociety.com/about-us>). The details of her tribunal victory can be found at <https://fncaringociety.com/tribunal-timeline-and-documents>.

16 The most outspoken advocate of this position, former Haisla Chief Councillor Ellis Ross, was elected as the Liberal Member of the Legislative Assembly for his northern British Columbia constituency

17 Justin Trudeau has made this comment numerous times. See, for example, <https://infotel.ca/newsitem/trudeau-only-communities-can-grant-permission/it3456>.

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