ENCOUNTERS IN CANADA: CONTRASTING INDIGENOUS AND IMMIGRANT PERSPECTIVES

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Abstracts in Alphabetical Order


In 1957 a 50 year old woman from Cowichan Reserve, located on Vancouver Island, British Columbia was hospitalized after contracting typhoid fever. News of her illness spread fast and far. Reporters working for the Vancouver Sun and Victoria Times Colonist went to the reserve, published several stories exploring the causes of “typhoid outbreak”. These stories cast a bright and very public light on an issue that had been a matter of unresolved local concern for several years: houses on the reserve were not connected to a clean source of water. The same week, letters from newly informed and concerned Canadian citizens to the Prime Minister called for action. The common suggestion was that the “civic provincial government and federal Indian Affairs Department should work together” to ensure that “safeguards were in place” to promote sustainable “modern conditions” on the reserve.

Following a very short period of intense public criticism, the officials working for the federal Indian Affairs Branch struck a deal with the city of Duncan to connect some of the houses on the reserve to the city’s water supply. A water pipeline would be constructed, connecting houses on the reserve to the city. The pipeline was considered a cure-all to the problems associated with housing on the reserve. Piped water would alleviate health problems, ensure the comfort and introduce a new public works service currently not available to residents on the reserve.

Did the availability of a piped water system accomplish these goals? This conference paper seeks to provide a critical review of the pipeline. It will focus on the conditions that the city of Duncan set before agreeing to connect Cowichan residential properties to city water and explore the problems that federal officials faced when trying to negotiate a deal between the city of Duncan and the residents of Cowichan reserve. It will further examine how the pipeline addressed one major problem, typhoid, and in the meantime introduced a series of other unforeseen administrative problems with public works service and land on reserve territory.

Umbreen Ashraf, “Decolonizing Potential of Dialogues and Storytelling Between Indigenous and Immigrant Communities: A Case of the City of Vancouver's Dialogues Project”

Through the case study of the City of Vancouver’s Dialogues Project this work explores the pedagogical potential of engaging communities in processes of decolonization and reconciliation through storytelling and dialogue. This initiative was initially conceived to build increased understanding and strengthened relations between the First Nations, urban Aboriginal and immigrant populations in the city. We will discuss how the project offers an opportunity to examine the potential of dialogue and storytelling as educational tools for positive transformation in communities marked by a history of colonization, racism, and exclusion.

Our analysis draws on the ideas developed by Canadian scholar Paulette Regan, who has highlighted the role history and pedagogy play in reconciliation efforts. We argue that the Dialogues Project offers one possible way forward towards achieving increased individual and collective awareness of oppressive histories of colonization – and, how such projects can help lessen negative stereotypes prevalent among immigrant communities and the Indigenous population. Through the opportunity for testimonial exchange, the Dialogues Project also has the potential to act as a healing mechanism. Informed by our research into this unique initiative, this work explores what decolonization means in our everyday life and how decolonization efforts can be built through seemingly small but vital steps at the community level, like the Dialogues Circles. The discussion sheds light on a practical way in which Canadian communities can support decolonization and reconciliation, by means of small scale but critical community education actions.

In 1993 the Council of Yukon First Nations (YFN) signed the Umbrella Final Agreement, an overarching legal agreement that governs land claims and self-governance agreements in the Yukon. Having been denied self-government in its various manifestations (ranging from exercise of civil jurisdiction to effective participation in the resolution of land disputes) the Final Agreement returns to the YFN increased control over their settlement lands and the power to develop and implement policy and legislation in their communities in a range of areas on and off settlement lands. It has been 10 years since this agreement was signed and the process of negotiations has been replaced with the task of implementation. This task has been accompanied by both the desire and legal responsibility to develop and implement policies that reflect, incorporate and build on YFN values. Developing these policies has required YFN communities to re-think policy paradigms and has forced them to grapple with questions such as: How can non-tangible values such as balance, respect, integrity and responsibility be used as the basis of formal policy, government practice and legislation? What are the dangers and risks of formalizing these values in a way familiar to Canadian formal policy or legal discourse? What are the costs to justice if culturally appropriate policies and policy-making processes are ignored? What role can or should non-community members such as academics, researchers and policy makers play in this process?

In March of this year, the York Centre for Public Policy and Law along with the Canadian Forum on Civil Justice hosted a forum in Whitehorse that drew together Yukon First Nations representatives, policy makers and legal experts to begin a dialogue around these questions. In this session I will share some of our initial findings, provide some examples of community-driven policy in the Yukon, the role that storytelling has played in the development of these policies and discuss the future direction of this project.

Rebecca Beaulne-Stuebing, “Doing Research Matters: Anishinabe Methodology at the Roots of Who We Are”

Indigenous knowledges, worldviews and histories are rich, complex and beautiful. They are rooted in the lands from which they emerged in the first place. Yet they have been systemically and systematically excluded from curriculum and classroom. Indigenous research is about coming to know, making and sharing meaning. It is how knowledge and understanding is passed through the generations. There has been a recent resurgence of Indigenous scholars working to revive their worldviews in their methodologies. I will share my experience with this process as demonstrated through my Masters thesis research, exploring an Anishinabe culture-based methodology. It is reflected in a conceptual framework grounded in Anishinabe research methods, worldview, and relationships. I will demonstrate how the process of doing research matters, especially as it helps us to understand each other’s knowledge systems and worldviews. We cannot accept dominant practices in teaching and learning - and research. These understandings are necessary if we are going to work together and support each other, especially in the university.


This panel of three presenters will examine some of the laws and policies pursued by Aboriginals and Europeans towards one another before and since the Confederation of Canada to present day. These laws and policies have been pursued with good intentions and met questionable results on both sides, raising many of the questions that this conference (Encounters in Canada) seeks to address:

1. Canadian Aboriginal policy from Confederation to present is characterized by exclusion through numerous layered distinctions of status/non-status within race-based legislation, primarily the Indian Act. Moreover, inclusion through Indian Act status is itself problematic as the Indian Act seeks ultimately to enfranchise Indigenous people into Canadian citizenship, simultaneously disenfranchising Indigenous people from their status both as Indigenous and as Indian. Nadia Verrelli, our first presenter, draws lessons from Canadian Aboriginal policy and examines their relevance within an immigration context.

2. All relations within Canada and indeed Canada itself exist by virtue of treaties held between Indigenous peoples and the non-Indigenous settler societies. However, much of Canadian law, including Aboriginal and immigration law, is developed without regard for these foundational treaties. Furthermore, where such treaties are considered, they are interpreted solely through the lens of European legal traditions. Dawnis Kennedy, our
second presenter, juxtaposes Canadian immigration and Aboriginal law with a thorough examination of the status that settlers and migrants are accorded in Anishinabe law.

(3) Canadian immigration law and policy is often understood as an exercise in nation building historically characterized by overtly race-based practices of inclusion/exclusion. Our final presenter, Amar Bhatia, questions whether such practices continue to shape Canada’s identity as a nation-state of immigrants and problematizes this identity within an Indigenous context. Examining the status accorded to diverse immigrants and migrants within Indigenous legal orders, Bhatia queries whether these legal orders might allow us to achieve status for all.

Jean-Sebastien Blais, “Recognizing the Human Right of Canadian First Nations: The Impact of the Repeal of Section 67 of the Canadian Human Right Act for Yukon First Nations”

Since signing the Universal Declaration of Human Rights in 1948, the Canadian government has taken steps to enshrine human rights in Canadian law with legal instruments such as: the Canadian Human Rights Act (Canada) and the Canadian Charter of Rights and Freedoms.

As a result of the repeal of section 67 of the Canadian Human Rights Act, there has been discussion about the recognition and the protection of human rights within First Nation communities. It has been suggested that, in accordance with the constitutional rights of First Nations and the inherent right to self-government, specific federal legislation be enacted to deal with human rights in First Nation communities. But there are other institutional models that merit consideration, including the establishment of a national First Nation human rights commission and an independent First Nation human rights tribunal.

Unlike most other First Nations in Canada, each self-governing Yukon First Nation is obliged legally under its self-government agreement to make a constitution that, among other matters, recognizes and protect the rights and freedoms of citizens. In particular, the Yukon First Nation has the authority to enact a law under its self-government agreement to protect those rights and freedoms.

This paper focuses on what kind of political and legal arrangements and recognition can improve the rights of Yukon First Nations at the Canadian level? Firstly, it sets out the legal and constitutional considerations in addressing human rights relating to Yukon First Nations. What human rights are recognized and applicable to Yukon First Nation governing bodies? How are those protected? Secondly, the paper identifies the obligations of self-governing Yukon First Nations to recognize and protect those rights. How do self-governing Yukon First Nations protect the rights and freedoms recognized in their respective constitutions? How do they protect the human rights of their citizens and employee?

Dan Bousfield, “Canadian Cyber Diplomacies: The Challenges of Virtual Identities in Canada”

This paper seeks to explore the development of Indigenous and immigrant online relationships against the cyber imaginaries of the nation state. By contrasting on the online efforts of Canadian Aboriginal groups in developing transnational linkages and connections online with other Canadian diasporas, this paper evaluates the importance of these cyber diplomacies in developing and challenging Canadian virtual identities. Importantly, the experiences of Canadian Inuit, Northern Aboriginal groups and the Inuit Circumpolar Conference have established the foundation for strong cyber diplomacies in ways that the contemporary Canadian state is only beginning to address. Comparing these efforts with the transnational networks of South-East Asian diaspora in Canada we can begin to explore the power and marginalization of Canadian virtual imaginaries. Moreover, recent nation-state efforts to securitize cyber diplomacies are limited by the ways in which boundaries of the community remain wedded to ‘territories’ that are inadequately incorporated into existing politics and political practices. By contrasting the multi-scalar character of Indigenous and diasporic cyber diplomacies we can begin to understand the complexities of post-territorial identity in Canada.

Jeffrey Canton, “Children’s Literature, Ethics and Genocide: An Examination of the Indian Residential School Experience in Canadian Children’s Picture Books and Young Adult Fiction”

This paper will explore how using Canadian authored books provides new immigrant children and teens with access to a different perspective on First Nations peoples than they may have access to through more traditional educational texts. The paper would focus on texts including the children’s picture books Shi-shietko (2005)
and Shin-chi's Canoe (2008) by Nicola Campbell; Larry Loyie’s As Long As the Rivers Flow (2005), as well as his teen novel, Goodbye Buffalo Bay (2008); Shirley Sterling’s autobiographical novel, My Name is Seepeeza (1992); Christy Jordan-Fenton and Margaret Pokiak-Fenton’s memoirs, Fatty Legs (2010) and (2011); and David Robertson’s graphic novel, Sugar Falls: A Residential School Story (2012). These challenging creative texts these kinds of texts can provide a context for newcomers to Canada to gain some knowledge of a part of the history and culture of Indigenous peoples that is key to understanding the contemporary rather than purely historical stories of Indigenous peoples but also provides a bridge between the experiences of child and teen immigrants and Indigenous peoples. They not only offer alternative viewpoints on First Nations lives and cultures and first-hand insight into the trauma of the Residential Schools on Aboriginal peoples from the position of those directly impacted by this experience but also act as sites for transformative action, encouraging new immigrant children and teens to become allies with First Nations peoples but also creating a space for meaningful dialogue and sharing of experiences. The paper also looks at how these texts are a way for First Nations writers themselves to re-claim and take ownership of the Residential School experience and use it not just to heal from the trauma of the residential schools but to shape how we talk about and respond to this experience and perhaps to create a similar kind of space where new immigrants children and teens can also consider how to frame their own experiences as newcomers.

The paper considers the transformative power of literature in terms of both its ability to create empathetic connections but also as galvanizing tool. By examining how the Residential School experience and the cultural genocide it was a part of are depicted in books for children and teens, these books help us to rethink our own attitudes towards First Nations peoples, systemic oppression, marginalization as well as ageism (what kinds of texts are “appropriate” for young readers) - issues that new immigrants to Canada also often are forced to confront themselves. The paper argues that through creating a connection through Canadian authored children's picture books and young adult fiction and immigrant children/teen readers, they would not only gain a greater understanding of the relationships between First Nations peoples and non-Native Canadians but might inspire new immigrant children and teens to take action as new citizens in Canada as their allies.

Melissa Chung, “Indigenous Peoples and Immigrants in Canada: A Literature Review”

This paper will explore some of the current tensions between Indigenous and newcomer relations in Canada’s urban centres and provide recommendations for future research, government policy, and grassroots organizing. Melissa Chung's paper complicates the Indigenous/immigrant dichotomy by approaching the topic from the perspective of being of both Aboriginal and immigrant decent. As a Métis person and a second generation Chinese Canadian, Melissa undertakes a literature review that assesses the current status of Indigenous and racialized newcomer relations in Canada and provides recommendations for future research, government policy, and grassroots organizing. The literature review attempts to contribute to the unsettling of insider/outsider, minority/majority, Indigenous/settler, and black/white binaries, which are pervasive within the racialized and colonized Canadian society, and build dialogue and cross-cultural collaboration in anti-racist activism and scholarship.

Ravi de Costa, “Reconciliation, democracy and the challenges for Indigenous-settler engagement”

A major difficulty for the Canadian Truth and Reconciliation Commission has been in engaging the “mainstream”, a task that forms one part of its mandate for reconciliation. Initial interest and media coverage has now subsided and notwithstanding considerable effort, its critical work of reexamining the injustice of Indian Residential Schools is now largely taking place without non-Indigenous Canada “witnessing” its efforts. Could this have been different? And if so, how? These questions shape an essential policy task for reconciliation and the TRC in particular: how to create social and cultural conditions that would prevent such injustice from happening again. In three parts, this paper takes up this discussion, first considering recent debates about deliberative and agonistic democracy and the public sphere, in light of the structure of the TRC as a primarily discursive institution. It then considers the work of the TRC since its relaunch in 2009. Finally, it draws on an ongoing series of focus groups with non-Indigenous peoples that explore how identity and belonging affect attitudes to colonial injustice and willingness to engage with Indigenous peoples in respectful ways.

Jeff Denis, “Pathways to Being an Ally: How Some Non-Indigenous Canadians Embrace Reconciliation”
How do some non-Indigenous Canadians come to engage in reconciliation activities with Indigenous peoples? Building on Warren’s (2010) study of white American racial justice activists and Regan’s (2010) pedagogical framework for “unsettling the settler within,” I investigate this question through life history interviews with 24 non-Indigenous Canadians who attended Truth and Reconciliation Commission (TRC) events in 2011-12. Preliminary analysis reveals several distinct pathways but also common themes. Most prominently, every participant emphasizes a sense of “moral shock” upon learning about the residential school system and other social injustices facing Indigenous peoples. Many report this as a violation of their collective self-image as Canadians. Yet, rather than rejecting the notion of Canada as a fair and “benevolent peacemaker,” as Regan recommends, many interviewees retain this image as an unrealized ideal for which they strive through reconciliation and solidarity work. A similar process is documented for many Christians who, rather than rejecting their Christian identity because of their ancestors’ complicity in colonialism, seek to redeem themselves and their religious communities by pursuing “right relations” today. Further, as Warren would predict, non-Indigenous Canadians often develop a “shared vision” of “reconciliation” by participating in associated activities with Indigenous peoples. However, there are at least two competing visions of “right relations,” which appear to be associated with different pathways to engagement as well as prior political dispositions. While enriching theoretical understanding of the processes of identity development and reconciliation activism, participants’ stories also suggest multiple models for a wider transformation in Indigenous-settler relations.

Renate Eigenbrod, “One Native Life: Place and Displacement in Richard Wagamese’s For Joshua”

Creating connections with a place somewhere in Canada after being displaced from his family and community of Wabaseemoong (White Dog) First Nation as a very young child by Canada’s ‘60’s scoop’ legislation is a theme in all of the works by Anishinaabe author Richard Wagamese; however, this conference paper will mostly focus on his memoir for Joshua: An Ojibway Father Teaches His Son (2002). Separated from the land of his ancestors and thereby from a father’s responsibility to take his son out on the land to introduce him to all of creation (8), Wagamese chose to write a book as his way of “performing that traditional duty.” The land he introduces his son – and all his readers- to is the land of Canada through which he travels on his own search for belonging. While on this journey, he meets people from non-Indigenous backgrounds whose stories “came from the experience of generations spent on the land” (216). He acknowledges their land-related stories, but he also asserts difference from Indigenous experiences, a difference immigrants need to know about. Using teachings from Anishinaabe intellectual traditions he shows that as the original peoples on this land, being taught by the land, they always had and still have the responsibility to teach newcomers how “to be at home here” (218) – in spite of colonial displacements they themselves have experienced and been traumatized by.

This paper will bring together a close reading of Wagamese’s text in the context of his other works with diaspora discourses and studies on citizenship as well as TRC linked discussions on reconciliation through the lens of cultural diversity (Cultivating Canada).

Chelsea Gabel and Jean Michel Montsion, “The Tale of Two Students: Canadian Universities and the Recruitment of Aboriginal and International Students”

With recent focus on international education as a way to increase tuition-based income in many Canadian universities, the academic and social integration of international students to Canadian communities has been increasingly part of public debates. In contrast, the experience of Aboriginal students in Canadian universities has been given far less attention, even if increasing efforts have been placed in the development of Indigenous studies programs and recruitment of Aboriginal students. With greater understanding of the role of colonization processes in Canadian society, notably through a multitude of non-Aboriginal socio-economic policies and cultural influences, the rapid and disturbing socio-cultural change for Aboriginal peoples and their communities have yet to be explicitly put in relation to the educational opportunities and lower success rates on which post-secondary education for Aboriginal students is building.

In this presentation, we compare the framing of new programs targeting both audiences in Canadian universities. In light of a place-based policy approach, we argue that the university engagement with both audiences reveal a similar portrayal of difference when it comes to the ‘normal’ student, while defining the university responsibility to these audiences in different ways. Whereas the international student is seen as able
but requiring university help to cross the cultural and social borders to become a good student, the framing of
the Aboriginal student on the other hand is based on a broad discourse of supporting and improving the life of
the marginalized. As a result, most of the framing of the Aboriginal student negates any understanding of
university space as mainstreaming Indigenous education, finding ways to build upon Indigenous knowledge
and develop social integration tools to facilitate the success of Aboriginal students on university grounds as
Aboriginal land. By way of this presentation, we will explore how these two types of programs address barriers
to education, the degree to which they are anchored in these students’ experiences, and are supporting their
success without the stigmas that exist in the status quo. Through specific case studies, we will argue that the
most successful programs incorporate a recognition of the geographical, social and academic realities of these
students in order for them to succeed.

Grace-Eduard Galabuzi, “Panel Presentation: The Complicated Politics of Indigenous and Racialized Alliances”

This paper will discuss some of the theorizations of the contemporary tensions in the relationship between
Indigenous peoples and racialized people rooted in contending claims for recognition and struggles for racial
justice, one rooted in demands for inherent right to self-government and the other in a contested multicultural
framework. This framework operates to structure dis-citizenship for Indigenous populations even as it serves
to legitimize a colonial order that dispossesses Indigenous nations of the right to self-determination and land
claims.

Charlotte Henay, “Incommensurabilities and Decolonization for Community Futures”

Henay engages in a dialogue about decolonizing methodologies in her work and wrestles with issues of re-
inscription and representation in education praxis. This paper is a collaboration of her developing theory as a
story and study of Indigenous, decolonizing and anti-colonial methodologies. In talk and action Henay
examines the incommensurability of research methodologies with decolonization. Making visible the ways in
which the language of decolonization is superficially adopted in education (Tuck & Yang, 2012) she advocates
for repair as opposed to reconciliation. Decolonizing research and praxis need to seek an Indigenous future.
Her conversation is for the goal of working through some of the struggles in the development of a methodology
that does not misappropriate Indigenous epistemologies or misrepresent colonial realities.

Henay discusses an ‘ethic of incommensurability’ (p.1), evident in the misappropriation of decolonization by
social justice scholars and self-proclaimed allies. She reminds us that decolonization is not a metaphor for
social justice, putting this disconnect front-and-center in relationship and community building. A key practice
of unhelpful allies is the subordination of Indigenous sovereignty and self-determination within political
discourse (Wallace, 2011, p.160; Tuck & Yang, 2012). We don’t all resist from the same place and can only
write about ourselves with authority (Absolon & Willett, 2005). In contextualizing access and allies in
decolonizing for Indigenous futures, rebalancing the Settler-Native-Slave relationship is key. In making
transparent her process and methodologies, Henay implicates research and reconciliation in neocolonial
efforts.

Joanne Heritz, “Aboriginal Political Representation in Urban Centres in Canada”

To what extent do municipal Aboriginal advisory committees represent urban Aboriginal peoples in Canada?
How effective are municipal Statements of Commitment in addressing the policy needs and interests of
Aboriginal communities? Over half of Canada's Aboriginal peoples reside in urban centers where they remain
under represented in political systems and policy processes despite constitutional acknowledgements. As most
urban Aboriginal peoples remain marginalized, political representation is crucial for locating the Aboriginal
community in urban centres and determining their cultural needs and interests within a political system that
prioritizes mainstream preferences in policy areas of education, health and housing. Therefore, identifying
Aboriginal actors in municipal government is crucial for their inclusion in policy processes whose outcomes
impact on the aspirations of their communities.

Informed by a place-based policy approach, this research will investigate two aspects of Aboriginal
participation in municipal government. The first is to analyze the nature and scope of municipal Statements of
Commitment and awareness of these instruments among Aboriginal and non-Aboriginal municipal actors and
policy networks. The second is to assess the impact of Aboriginal advisory committees on municipal policy
processes. Urban centres under consideration are those with significant Aboriginal identity populations and/or high percentage of Aboriginal identity populations: Edmonton, Calgary, Saskatoon, Regina, Brandon, Winnipeg, Thunder Bay and Toronto. This research is prescriptive for other communities in determining the extent to which individuals who identify as Aboriginal are achieving outcomes in political processes that benefit their communities, while continuing to overcome obstacles that impede their ability to have Aboriginal issues recognized at the local level in Canadian urban centres.

Chris Hiller, “Unsettling Our Home on Native Land: Narratives of White Settler Activists Coming to Grips with Indigenous Sovereignty, Title and Rights”

Based upon a narrative analysis of 23 interviews with solidarity activists, this paper explores how white settlers come to grips with, and come to actively support, Indigenous rights and relations to land. Specifically, I attend to pivotal anti-colonial shifts that such actors describe: in situating themselves as primary benefactors of an on-going history of colonialism; in reading themselves into the treaties; in grappling with the specificity of Indigenous relations to land; in coming to see their home and place as contingent upon an anti-colonial praxis. Reflecting upon narrative commonalities, I offer insights regarding the processes that prompt Euro-Canadians to take up their specific responsibilities in relation to Indigenous peoples and territories.

Sylvia Kasparian, “Where Do Aboriginal-Immigrant Relations Stand Today?”

Promoting a unified, integrated and diverse society is one of the most important challenges that Canada is facing, not only integrating new immigrants, but also integrating Aboriginal communities in the construction of a more integrated, diverse society and to promote a plural national identity. In my presentation, I will give the main lines of the special edition of Canadian Issues that I recently edited (Summer 2012) on Aboriginal-Immigrant relations today. This issue looks at immigration from an innovative point of view. Various aspects of immigration have been examined and reconsidered with a view to improving immigrant recruitment, reception, integration, and retention. The Metropolis Centre has played an important role in the development and advancement of more equitable immigration policies by bringing together all levels of immigration stakeholders to contribute their thoughts from different perspectives (citizenship and social integration; welcoming communities; families housing and neighbourhoods; economic integration; as well as justice and security).

However, this in-depth reflection on immigration and integration in Canada has almost exclusively focused on the relationship between immigrants and the dominant group. There is little to no mention of the relationship between immigrants and Aboriginal peoples in the writings and discussions on immigrants.

And yet Aboriginal peoples are in close contact with Immigrants in many provinces in Canada and they represent Canada’s first welcoming community. If multiculturalism is a fundamental value—one that is central to Canadian identity—it is thanks to First Nations Peoples. Their vision of one land—an abundance belonging to all—their tremendous sense of hospitality and sharing, their respect for all and for every living thing, have instilled their values in us and shaped the fundamental beliefs of our society. As Chief Robert Joseph said, “Every race, every colour, every creed belongs here. They have a right to be here. They have value. We all have purpose.” My presentation will give an account of various contacts between Aboriginal people, first welcoming communities, and immigrants in Canada. What are the different types of cohabitation relationships and the perceptions that develop between these two groups, given their different realities? What actions have been taken and why? What are the similarities and particularities of each group? To what extent can the study of this aspect of immigration serve to build a truly multicultural and integrated society, a plural “Us”? What can we propose to politicians? Based on a modest first attempt to answer such questions, through the various points of view of municipal and social stakeholders, researchers, Aboriginals, immigrants, and NGOs, I will present initial discussions, highlighting the different types of relationships and perceptions developing between these two groups in different Canadian provinces and the new initiatives established in many provinces to promote dialogues and improve relationships.

Derek Kornelsen, “Postcolonial Citizenship: Reconsidering Indigenous Political Belonging and Authority in Settler Societies”
A consistent pattern has emerged in the scholarship and practice of settler states according to which Indigenous claims to self-determination are consistently interpreted as claims to a form of differentiated citizenship within the colonial state, overlapping substantially with forms of immigrant and national minority citizenship. Yet many prominent Indigenous scholars and leaders explicitly reject state authority and state membership while, at the same time, rejecting secession. This paper proposes the concept of 'postcolonial citizenship' as a placeholder for this unique form of citizenship and offers a conceptual analysis of the citizenship ideal in order to disentangle the notion from the concept of statehood, thus creating the analytical space for a postcolonial rendering of political community and authority. To this end, 'postcolonial citizenship' is introduced as entailing two key features: (i) ambivalence (the state is engaged out of necessity yet state authority and membership in the state-defined polity is rejected); and (ii) 'universal kinship' (political community includes nonhuman entities such as land). The conceptual analysis that follows includes two main observations: (i) classical conceptions of citizenship shared the concern with the constitution of community and authority but through the expansion of the Roman Empire and the advent of modernity this shifted to a concern over the legitimation of given authority over given, territorially defined communities; and (ii) modern territorial renderings of community contrast starkly with the postcolonial 'universal kinship' paradigm. The paper closes with a discussion of what these similarities and differences mean for the prospects of shared citizenship and community between Indigenous peoples and settler societies and how contemporary theory and practice might accommodate the concept of postcolonial citizenship.


The oral tradition of storytelling is common to many Indigenous and immigrant communities. Stories integrate complex social, cultural, historical, and economic factors by meaningfully describing personal experiences. Sharing personal, cultural, and news stories in a respectful environment can create a heterotopic space where alternative understandings of history and community are formed. Over time relationship building can create a community that is mobilized into social action based on a common awareness of how social norms can negatively impact individuals. This paper is based on a qualitative study that used grounded theory and a multi-method approach, drawing primarily on twelve semi-structured interviews with storytellers that worked with youth in Winnipeg. The data revealed four key themes that guide storytellers’ learning outcomes: knowledge, culture, dialogue, and agency. The development of the storyteller and story is a highly intuitive practice refined by experience. Storytellers described storytelling as a powerful pedagogical practice that provides democratic and inclusive spaces capable of facilitating dialogue and promoting student agency. All of these storytellers worked in diverse communities of youth that included Indigenous and immigrant communities. They were committed to creating an understanding of youth’s common humanity. Storytelling is a practice common to all cultures and provides opportunities to make connections across differences. Through stories youth from different cultural backgrounds were able to build connections and understand differences between their experiences and the experiences of others. Stories are not only shared in the context of a storytelling circle they are also shared with participant’s friends and family members. Through the process of sharing stories immigrant and Indigenous youth had many opportunities make connections and understand each other’s personal experiences. This paper describes the way storytelling can be used as a tool to build empathy and understanding between diverse individuals to create a community motivated toward positive social action.

Sarah Ling, “Rooted in the Land: Revitalizing Stories of Chinese and Musqueam Relations”

From relationships with neighboring First Nations to welcoming the first explorers, Musqueam has a long and rich history of intercultural engagement and exchange. In the last century this was exemplified by the relationship of Musqueam with Chinese farmers on the Musqueam Indian Reserve #2. Since the last farmer left over a decade ago knowledge of this relationship has begun to fade, though the social and economical impact of these Chinese farms is region wide.

Supported by the University of British Columbia (UBC) Community Learning Initiative and Musqueam Language and Culture department, master’s student Sarah Ling worked with the Musqueam Nation to develop a community-driven research project that addresses the fading memory of the Chinese market gardens.
formerly on their reserve. The project has resulted in digitized collections of oral histories, family photos, and archival records as well as youth capacity development. The project team now aims to build an interactive web portal that will be housed on the Musqueam Nation website for present and future generations to engage with this rich intercultural history. In this session, Sarah will share her experiences in as a 4th generation Chinese-Canadian working with the Musqueam community to revitalize marginalized histories and their ancestral language – hən’q̓əmin̓əm’. You are invited to participate in a discussion involving roles of researchers and technology in the intergenerational and cross-cultural transfer of knowledge through relationship building, community engagement, and place-based pedagogy.

Sarah Ling, Amy Perreault and Hanae Tsukada, “Critical Engagement in an International Learning Space”

In this panel session, we will discuss how to engage with the issues of recognition and respect in an international education setting, where people of diverse historical, cultural, political, social, and geographical trajectories meet. Our university, the University of British Columbia (UBC), is a prime example of such an international setting. The university is located on the traditional, ancestral, and unceded land of the Musqueam Nation and increasingly attracts students and scholars from all over the world. However, an international learning space does not automatically nurture recognition and respect between Indigenous and non-Indigenous people. It requires intentional work by educators to promote an awareness and understanding among all university community members of diverse cultures and histories.

By introducing an array of practices, research, and collaborative projects that support teaching and learning through Aboriginal Initiatives at the UBC Centre for Teaching, Learning, and Technology, we will invite our audience to critically engage with the idea of an international learning space in which we strive to make learning a more engaging process that helps students see and question their own roles in Canadian histories.

Recognizing that university classrooms are sites of unique and complex interactions that can greatly impact a student's ability to learn, we offer an on-going Classroom Climate Series. In this series, faculty, graduate students and members of the Musqueam Nation lead and participate in interactive professional development workshops. We will share our experiences in this series to address the responsibility of educators in creating a classroom climate in which students can learn and talk about Indigenous and other socially contentious issues in respectful and productive ways.

This session will also explore the educational potentials of an international learning space: building awareness that all of us with different levels of knowledge about and sense of belonging to Canada share a particular time and space in Canadian history. We will showcase the learning process of an international student who began investigating historical events involving Aboriginal students at UBC along with broader Canadian historical contexts. Please join our session to create welcoming and respectful university spaces that go beyond recognition of difference.

David MacDonald, “Multiculturalism, Aboriginal Peoples, and the Search for Truth and Reconciliation in Canada”

Since the 1960s, many Aboriginal leaders have opposed principles of multiculturalism in Canada. They do so largely on the premise that they dilute Aboriginal legal rights and cultural distinctiveness. Enshrined in treaties and the 1982 constitution is the hypothetical that Aboriginal peoples could create a third level of government in Canada (Henderson; Ladner), or a series of distinct entities outside of it, with rights to self-determination and self-government (Alfred). Multiculturalism and its promise of generic tolerance (within western institutions) and formal equality go against what many Aboriginal leaders desire from the federal state. Multiculturalism also fails to grapple with the continuing inequalities between Aboriginal and settler populations. As the Truth and Reconciliation Commission into the Indian Residential School unveils more evidence of the brutality of the IRS system, Canadian society is faced with the possibility that the state committed genocide or at least cultural genocide against Aboriginal peoples. This paper investigates how we might understand the future of multiculturalism against the backdrop of egregious historical abuses, continued discrimination, social and economic inequality, and very public attempts at reconciliation between “natives and newcomers”. As a multicultural person of mixed Indo-Caribbean background, I seek to explore how immigrants like those in my family fit into this complex and evolving relationship between colonizers and colonized, perpetrators and victims.
Samantha Mackinnon, “A Better Ending: Legal Pluralism in Atanarjuat the Fast Runner”

This paper examines the possibilities of legal pluralism and dialogic systems of governance in Inuit legal traditions, as portrayed in the award-winning film by Igloolik Isuma, Atanarjuat: the Fast Runner. Igloolik Isuma is a video collective founded in Igloolik in 1990 by Zacharias Kunuk, the late Paul Apak, Pauloose Quilitalik and Norman Cohn. Atanarjuat, their first feature, is set in the pre-contact past. It recovers and represents traditional and collective systems of Inuit law and social governance by rewriting a well-known tale from Iglulingmiut oral traditions for a contemporary audience. The film is about a vengeful spirit summoned by a powerful shaman which leads to disaster for a specific regional community; Atanarjuat must save his relations and restore balance to the community. In the familiar tale from oral traditions, and in keeping with traditional Inuit social relations, he achieves justice through bloodshed, violence and death. In the film, however, exile and banishment replace violent retribution, as two elders lead the community in what is both a spiritual and specifically legal ceremony to restore equilibrium through negotiated settlement.

This paper examines Inuit legal concepts and practices in the film, with specific attention to song duels, community consensus, oral tradition, the role of elders as counselors, and relations between religion and law. These elements of Aboriginal legal practice might not be easily read by the majority of southern audiences. As we argue, Atanarjuat enhances the visibility of Indigenous law by showing the traditional Inuit legal system in practice as being functional and highly effective, but also flexible and capable of being updated. Building upon a range of researchers in Aboriginal legal systems, including John Borrows, Val Napoleon, and Sakej Henderson, and given that Inuit social indices, such as housing conditions, educational outcomes, substance abuse, violent crime, and health indicators are all well below Canadian standards, with the suicide rate eleven times the national average, this paper suggests that Atanarjuat works to bring traditional and modern legal systems into dialogue, and can be used as guide and model for instituting traditional Inuit legal values, such as conflict resolution, into present day systems of governance.


In this presentation, we draw on archival research at the National Archives in Ottawa, and at the University of Toronto Archives to describe the experiences of international and immigrant nurses and nursing students in Aboriginal communities, with an eye to thinking about the insights such research offers for what the Aboriginal Healing Foundation calls "reconciliation through the lens of cultural diversity." In particular, we describe encounters between nurses from newly decolonized countries who were funded by development initiatives supported by international agreements and agencies (Rockefeller Foundation, Colombo Plan, World Health Organization), and the ways that their training was linked with public health initiatives in Aboriginal communities. In the development of this project, the research team has been utilizing Indigenous research methods (the Medicine Wheel conceptual framework - to be discussed) and will follow critical social and postcolonial theories to conduct individualized interviews with Filipino nurses who migrated to Canada and worked in First Nations communities, as well as with relevant community members. We will discuss our literature review and preliminary results, and in discussion with the audience, we will look at what avenues should be addressed in this research as it unfolds.

David McNab, “The Broken Métis Treaty and Resistance”

Métis history in the 21st century will be interdisciplinary, international and transnational leading to, and being part of, a new hemispheric and transnational approach based on Metis knowledge and thought. Many prominent Métis have been linked through intermarriage, land and trading relationships. They have made significant contributions to Canadian society and culture in the fields of Indigenous knowledge, medicine, law, politics, literary and historical studies, mediating Indigenous land, resource, and Treaty rights’ issues, as well as by participating in international trade and trading. There have always been educated Metis people using both their oral traditions and the European-based knowledge systems. Their stories simply have remained unknown and have not been published or made known. This approach will give voice to the Métis and document, through the intersection of oral traditions and the written records, their significance and value.
Katherine Morton, “Canadian Heritages: Difference and Recognition of Aboriginal and Immigrant Communities within the Discourse of Cultural Heritage”

The recognition and preservation of heritage resources including heritage sites, artifacts and intangible heritage is a critical area of policy development in Canada. One of the richest areas of cultural heritage in Canada is that of cultural heritage of Aboriginal and Immigrant communities. However, Canadian cultural heritage policies are overwhelmingly shaped by a Western European conceptualization of heritage and cultural value. This Western dominance has been at the expense of Aboriginal and Immigrant communities as it marginalizes divergent cultural and historical narratives and devalues cultural heritage resources affiliated with Immigrant and Aboriginal cultural communities in Canada. The current recognition and inclusion of Aboriginal and Immigrant communities in the policy discourse of cultural heritage in Canada currently lacks is anemic. Cultural heritage policy lacks an adequate recognition of the diversity of the cultural and historical contributions of both Aboriginal and Immigrant communities. In order for the cultural and historical difference to be properly recognized, cultural heritage policies must move beyond the narrow Westerncentric understanding of cultural heritage that currently informs policy development. The consequences of damaging, destroying or losing cultural heritage resources are serious in terms of the continued cultural revitalization and vibrancy of Aboriginal and Immigrant communities across the country and also for the awareness of all Canadians of the considerable contributions that these communities continue to make to Canadian cultural heritage as a whole. This paper will demonstrate how the current Canadian approach to the recognition and protection of cultural heritage resources is dominated by a Westerncentric understanding of cultural heritage and that the nature of cultural heritage policy must be radically changed in order for future policy developments to recognize the distinctive historical and cultural contributions of the Aboriginal and Immigrant communities of Canada. Furthermore this paper will demonstrate how a shift in cultural heritage policy development will allow for a better understanding of Aboriginal and Immigrant communities within Canada.

Tanya Mpala, “Barriers Accessing Justice for Aboriginal peoples and Asylum seekers in Canada: A Comparative Analysis”

Canada bears the legacy of having a very progressive civil justice system. The Canadian Charter of Rights and Freedoms is often considered to be a primary document used in arguing civil justice cases because it is recognized as a powerful tool in protecting the human rights of people in Canada. While the civil justice system has been heralded by many as an extraordinary mechanism for redressing inequality and promoting individual rights and freedoms, little has been done to ensure access to the system. Access to civil justice is becoming an increasing concern for poor, marginalized, disadvantaged and vulnerable groups in society. It is obvious that justice without access is meaningless. This research discovers that Aboriginal and asylum seeker groups face acute issues in accessing the civil justice system. The major concerns for these two groups are similar in many respects. Both tend to face issues of fairness and consistency of legal outcomes as well as issues in accessing legal aid, effective legal counsel and effective alternatives to traditional litigation. Both groups face barriers due to issues of formal recognition and status, overt racism and systemic discrimination. Therefore, greater cooperation by the legal community is needed to start addressing these problems. These efforts include enhancing cultural sensitivity, increasing access to legal aid and access to effective council.

Laura Murphy, “At the Core—Urban Housing Trends for Newcomer Immigrants and Indigenous Peoples in Canada”

Historically, homeownership has been used as a measure of integration and well-being. However, it has been observed that newcomer immigrants and Aboriginal people both experience urban housing vulnerability (inadequately housed, or at high risk of homelessness) with Aboriginal people the most likely to be vulnerable to homelessness. Urban homeownership rates for Indigenous peoples are typically lower than non-Indigenous peoples. As well, newcomers experience housing insecurity along with higher levels of poverty and lower levels of income than those who are Canadian born. Thus, newcomer immigrants and their peers are encouraged to integrate into Canadian society, whereas Aboriginal people face a legacy of exclusion. While both groups face similar challenges, each has different resources available at their disposal. So, why is it that newcomers seem to overcome housing vulnerabilities after being in Canada for a few years and Indigenous peoples continue to struggle? As well, Indigenous peoples tend to move both between reserve and city, and within city, at rates far higher than non-Indigenous peoples, and newcomer immigrants also experience within-
city mobility. Does moving help or shield housing vulnerability? This paper takes a closer look at the differences between newcomers and Indigenous peoples in terms of housing and the impact of mobility on housing quality. Using the 2006 Census, I will look at core housing need for both groups in Canadian cities, and how core need may be impacted by mobility.

Rahat Naeem, “Causes and Consequences of Migration in Indigenous Communities in Northern Ontario”

Homelessness, poverty and migration in Northern Ontario, especially in First Nation communities, represent highly complex phenomena with dynamics controlled by a number of interdependent variables. A recent CURA (Community-University Research Alliance) based initiative at Laurentian University, Sudbury (Ontario), Canada aims to develop practices and programs that will translate local concerns into effective strategies to address issues of migration out of northern rural communities, of homelessness, and of housing needs. This study aims to understand the dynamics of migration patterns in northern Ontario especially in First Nations communities, its interconnections with homelessness and poverty and its dependence on various factors, such as unemployment, health, gender, domestic violence and unavailability of basic needs. In this report we present analyses performed on data gathered between 1999 and 2010. Specifically, data pertaining to migration with respect to age, community, gender, education level, poverty level and health have been analysed and discussed. The emphasis of these analyses are on understanding how these variables affect each other and contribute to the problems these communities are facing. These analyses will help in in-depth understanding of the underlying processes that result in homelessness, poverty and migration in Indigenous communities and will provide clues on how to mitigate these problems.

Mai Nguyen, “Building Relationships or Building Roadblocks? – A Look at the Winnipeg Urban Aboriginal Strategy”

This paper seeks to answer the following question: Are public consultations an effective tool for empowering Aboriginal participants with decision-making authority? This paper argues that public consultations are an effective tool for increasing Aboriginal input in the decision-making process when the consultation process is Aboriginal controlled. Specifically, this paper looks at the current Federal Urban Aboriginal Strategy (UAS) in Winnipeg. This Strategy is to provide long-term investments to support Aboriginal communities in urban settings by focusing on three priority areas: improving life skills; promoting job training, skills and entrepreneurship; and supporting Aboriginal women, children and families. Though the direction and tone of the Strategy is set by the federal government, it is the steering committee members, composed of 12 Aboriginal members and 3 government officials, who decide which policies and programs will receive funding. This is done through on-going consultation with the steering committee and the Aboriginal community at large, and through consensus building of all members. Examination of government documents and interviews with Aboriginal committee members reveals that several mechanisms of engagement must be present for consultation to be an effective vehicle for empowerment. First, given the deeply entrenched relationship between members of the Aboriginal community and senior bureaucrats in Winnipeg, there exists a relationship embedded in trust, open communication, and political support by all three levels of government. These crucial components were instrumental in ensuring the UAS achieved its mandate. That is, to allocate funding to key areas of socio-economic life for urban Aboriginals. Second, the well-developed institutional capacity of the urban Aboriginal community in Winnipeg makes the consultation process a success because the roles, responsibilities, and the political expectations are presented and agreed upon once each member comes to the table. Last, engaging with the Aboriginal community at large assists the steering committee with developing a common vision and policy priorities that speaks to the community in question. Essentially, it is the well-forged relationships between committee members, community members, and governments that make the UAS a success in Winnipeg.

Michael Posluns, “First Nations Relations in Canada”

This paper will outline policies and practices and how some of those practices might be addressed. Going back-and-forth between an immigrant culture and First Nations cultures has made me abundantly aware that immigrant communities know little about Indigenous cultures. The difficulties in changing this can be set out in the following objectives:

1. The value in re-writing history textbooks to address historic Canadian policies will be limited if few
students choose to study history.

2. “Mutual sharing” is commendable; however, the Courts have consistently said that Aboriginal rights and treaty rights under s. 35(1) are “collective rights” belonging to communities; however, collective rights runs into rough going the making of public policy.

3. A dialogue between individual Indigenous people and individual immigrant-descendants cannot replace the relationship between the Crown and the First Nations; nor can it make amends for the long and appalling list of civil disabilities (the opposite of civil rights) imposed by the Parliament of Canada on Aboriginal people from 1876 to 1951.

4. Governments, federal and provincial, have been so resistant to honouring the most basic of their obligations under modern land claims agreements that the supposed beneficiaries have had to repeatedly go to Court in pursuit of their recognized rights.

5. The Courts would not have needed to elaborate the rights protected by s.35(1) had Governments been less recalcitrant in fulfilling their duties spelled out in the earlier cases.

There is, therefore, an urgent and pressing need for Canadians to know what their Governments are doing and for the Governments to set about seriously fulfilling their constitutional obligations.

Snezana Ratkovic and Catherine Longboat, “Reconstructing ‘Aboriginal’ and Immigrant Identities in Canada”

Canada did not revert to white settlers by virtue of war or through land sales, and yet by 1857 the Canadian government promoted the notion that the original peoples had left their land, then wanted to return. The Canadian government then presented themselves as the benevolent benefactor and imposed a condition that original peoples learn to read and write (i.e., attend the white settler education system). Working through our own histories and experiences, we problematize forced migration, contact zones and human dignity, and address the potential for building relationships and alliances in Canada. The focus of our presentation is on valuing human life and the land rather than colonizing. We reflect on our conversations; e-mail correspondence; our cultural memories; documentaries and our lived experiences of being Indigenous in our country of birth and the systemic impact of being in Canada. We frame our presentation around hybridity, decolonising methodologies and the Two Row Wampum Belt principles as we explore the power and knowledge inherent in the binaries Western/Other, colonizer/colonized, and Immigrant/Aboriginal. Thus, we propose a number of recommendations for teachers, teacher educators, curriculum developers and policy makers which includes deconstructing and reconstructing Immigrant and Aboriginal identities in Canada.


There is limited knowledge about the experience of homelessness and migration among Aboriginal Veterans. Approximately 10 percent of the participants in the first national Canadian study on homeless Veterans identified themselves as Aboriginal Veterans who have migrated back and forth between their home communities and large urban settings. The role of “place” is a vital component of identity. Spiritual and cultural attachment to the land is a predominant component of most Indigenous identities. The objectives of this pilot project are three fold: 1).To understand the meaning of homelessness among Aboriginal Veterans 2). To understand the meaning of urban-rural/remote circular migration among homeless Aboriginal Veterans and, 3). To test the feasibility of a Traditional Indigenous Sharing Circle with the Anishnaabe Symbol-Based Reflection as a method for data collection. A descriptive interpretative methodology will be utilized to address the three objectives with a purposive sample of 6 to 10 homeless Aboriginal Veterans in Toronto. Individual interviews and participating with an urban Elder at a Traditional Indigenous Sharing Circle with the Anishnaabe Symbol-Based Reflection method will be conducted. All individual interviews and the Indigenous Sharing Circle will be audio taped, transcribed verbatim and data analysis will begin with the first completed interview. As analysis of successive transcripts proceeds, common themes among the various descriptions will be noted. Data analysis will proceed until understandings of the experience of homelessness and migration among Aboriginal Veterans are attained. Ultimately, a larger study will be conducted to understand the experience of homeless Aboriginal Veterans across Canada who are transitioning to civilian life. The outcome of this research will ensure that policies, programs and resources are available to meet the needs of Veterans.
and their families. Preliminary results will be presented.

Sean Rehaag, “The Substantive Content of ‘Every Citizen of Canada’ in the Charter: Are Citizens Whomever Parliament Says They Are?”

The Canadian Constitution accords certain rights to particular groups of people, including to "citizens", "permanent residents", and "Indian, Inuit, and Metis peoples of Canada". This raises the question of how these terms are to be defined. This paper examines what the term "citizen" means for the purposes of the Constitution. One possible approach is to view citizenship as a creature of statute. From this perspective, a citizen is anyone who has been accorded citizenship by virtue of the Citizenship Act. According to this approach, Parliament could effectively circumvent the rights accorded to citizens by using the Citizenship Act to define as non-citizens those whose rights prove inconvenient. A second possible approach is to view the term citizen as having a substantive content that is -- at least to some degree -- independent of the Citizenship Act. From this perspective it is possible that some individuals who are not recognized as citizens under the Citizenship Act might nonetheless be entitled to rights accorded to citizens by the Constitution. Unlike under the first approach, from this perspective Parliament cannot (fully) circumvent constitutional citizenship rights by reworking the Citizenship Act. Regardless of which approach of these two approaches one adopts, there may be other constitutional constraints on the degree to which Parliament can use the Citizenship Act to get around inconvenient citizenship rights. There are, for example, a series of questions that can be asked about whether particular definitions of citizens in the Citizenship Act comply with other constitutional provisions including, most importantly, equality norms and the right to life, liberty and the security of the person. Using a series of hypothetical examples where Parliament tries to circumvent citizenship rights by reworking the definition of citizens in the Citizenship Act, this paper will explore the substantive content of the term "every citizen of Canada" in the Constitution. There are clear links between this question and similar types of questions that might be posed about the meaning of the terms "Indian, Inuit, and Metis peoples of Canada" for the purposes of Aboriginal rights protected by the Constitution.

Maureen Riche, “Canine Colonial Encounters in Canada: Past and Present”

In “Race, Place, and the Bounds of Humanity”, Elder, Wolch and Emel show how "animal practices have become tools of a cultural imperialism designed to delegitimize citizenship" (185). In the case of contemporary immigrant groups in North America, this process involves the denigration of cultural practices involving animals, such as religious rituals and hunting, which are characterized as primitive, cruel and, perhaps most tellingly, inhumane. In the colonial period in Canada, the impulse to racialize and dominate Indigenous people based on their perceived inhumane treatment of animals was no less egregious.

My presentation will examine the misunderstandings that emerged in Canada’s north as a result of encounters between colonists and Indigenous dogs. This will involve an analysis of how northern dogs were represented in colonial texts, from explorers’ logs to early ethnographic films, and how these patterns of meaning later came to inform an alleged slaughter of sled dogs in Nunavik and Nunavut. Northern sled dogs, the only domesticated animals in traditional Inuit communities, were seen as wild, wolfish, dangerous, diseased, driven by base appetites and instincts, and not properly cared for by their human custodians. Such characterizations later served to legitimate mass culls of the animals, and, I will argue, continue to shape contemporary encounters between dogs in First Nations communities and representatives of animal welfare organizations and the mass media.

Harini Sivalingam, “Migration and Nation Building: Comparing Canada’s Policies Towards Indigenous Peoples and Asylum Seekers”

On August 13, 2010, a cargo ship carrying 492 Tamil men, women and children seeking asylum in Canada was escorted by two Canadian navy tugboats into a Canadian forces base, Esquimalt, the traditional territory of the Songhese first nations in Victoria, British Colombia. This was the second ship of Tamil refugees to arrive within a year on Canada’s Western shores. When the MV Sun Sea docked into Canadian territory, the Tamil refugees on board, were met by two different groups with distinct messages. There was a small group of right-wing anti-immigration demonstrators holding signs reading “Send them back”. However, some residents in the Esquimalt first nation reserve held prayers welcoming the safe arrival of the newcomers onto
their traditional territory. These different responses echo the diversity of sentiments across Canada concerning the “mass” arrival of racialized refugees to Canada.

Laws have often been used as a tool to govern migration in an effort to control the population and racial composition of the nation. Sherene Razack demonstrates that a national mythology is generated and propagated through the law that portrays white European settlers as the original inhabitants of the nation through a “disavowal of conquest, genocide, slavery, and the exploitation of the labour of peoples of colour”. This is evident in how Western laws and legal institutions play an important role in the disposition of Indigenous lands and peoples and to establish the colonial state in the first instance. Secondly, migration laws were utilized to populate or settle the “new” land with white Europeans to perpetuate the myth of the white nation state. However, at the same time, migration laws also paved the way to exploit racialized labour in the process of “nation building”. Western laws were also used to limit citizenship rights of Indigenous nations and racialized groups to maintain the purity of the white settler colony by regulating these groups and communities. This paper will explore these multiple facets of migration laws and examine how the myth of colonial nation-building continues in the present day through the subjugation of Canada’s Indigenous peoples and racialized asylum seekers.

Karen Travers, “Defining ‘Indian’: Quakgwan’s Settlement and the Language of Exclusion in the Western District of Upper Canada”

Indigeneity, a fluid and flexible concept based on self-identity and kinship, was usurped by outsiders and transformed into a legal “status” in the nineteenth century. Studies tracing this transition in Canada focus on the 1876 Indian Act and to a lesser extent, previous colonial legislation. As a consequence, our knowledge of the evolving status of Indigenous peoples prior to 1850 remains limited. Indigeneity was understood differently before the application of Anglo-Canadian law and because of this, relationships mattered more than “race” or status. But in order to forcibly “civilize” Indigenous peoples, British policymakers and Indian Department officials had to construct a definition of “Indian” that rendered the status incompatible with citizenship. This paper will discuss Jacob Quakgwan who along with thirty others, privately purchased one hundred acres of land in 1840. The Anishinabe community formed commercial and social relationships with local settlers, performed statute roadwork and were recognized by all accounts as “Indian” and a part of the community around them. In 1849 however, Quakgwan came under attack from Indian department officials intent on coercing all Anishinabe peoples in the region to live on reserves at Sarnia and Walpole Island under the watchful eyes of Indian agents, teachers and clergy. The community did not need or want assistance to become “civilized” and Quakgwan demanded the deed to the land so they could stay. Within a few months, officials had demonized the Anishinabe leader, bitterly divided the community and sold the land and improvements to a local settler. Though he ultimately lost his battle, the history of this community challenges many established notions about land tenure, settlement and European-Indigenous relations in the early reserve period in Ontario.

Vicki Trerise, “Colonialism Extinguishes Consent: Why Canada Must Surrender Decision Making Authority Over Indigenous Peoples”

The fact that “Indians, and lands reserved for the Indians” were given distinct constitutional status as one of the ‘heads of power’ of the federal government is a critical departure: no other group of persons identifiable by its history, culture or race is made, by definition and as a collectivity, the subject of a constitutional authority. This act of lawmaking encompassed the first two characteristics of a colonial system: it established that full decision making power with respect to ‘Indians’ would rest with the Canadian state, and it devalued and cast as inferior the peoples called ‘Indians’. The settler-colonists decided unilaterally to incorporate these societies and their territories into Canada; they then invoked state sovereignty to negate their longstanding respectful relations with the Crown, replacing a history of autonomy and Crown commitment with a regime of incapacity and Crown wardship.

The first question to be explored in the paper is whether the act of naming this human group as uniquely subject to governmental authority was a legitimate exercise of constitutional authority. The principles of unwritten constitutionalism and the historical context between the Crown and the First Nations in 1867 are considered. The paper then examines three alternative legal norms which maintain ‘distinct’ status, but as an
honourable designation.

First, a doctrine of the imperial common law that affirms the continuation of the customary laws of colonized people is discussed. Second, the research explores the nature of the difference between individual rights and group rights; in this section, there is discussion which is relevant to later immigrants and refugees in modern Canada. It also traces the emergence of norms in international law which support the right of existence of the human group and particularly the rights of Indigenous peoples. Third is an examination of state obligations towards Indigenous peoples consonant with the doctrine of the honour of the Crown. These alternative legal approaches point towards a return to recognition of the decision making authority of Indigenous peoples; peoples who have no right to decide cannot consent.

William Westerman, This Land is Your Land, This Land is My Land: Are Immigrant Rights and Indigenous Rights Categorically Irreconcilable?

Folklorists and other cultural workers are often called upon to champion and advocate for the rights of minority peoples. These can include Indigenous and First Nations people, but also recent immigrants in multicultural societies. Canada, the U.S., Australia, and New Zealand are all countries in which the settler immigrant populations committed genocide against Indigenous people. And yet, hundreds of years later, recent immigrants, especially from the Global South, are threatened and expelled by the descendants of early European settlers, who still fail to address poverty, racism, and systemic violence against their own Indigenous populations. If a policy of open borders addresses inequities in the sharing of the world's resources, it also further marginalizes Indigenous people who continue to struggle for civil, economic, and cultural rights.

In other countries, such as India, in which internal migration brings with it cultural homogenization, including destruction of sustainable or traditional language, agriculture, and religion, there are conflicts between the rights of Indigenous and tribal communities and the economic needs of migrants escaping from poverty, if not starvation.

How can cultural workers and activists achieve an ethical solution, a method of practice that recognizes rights, livelihood, and culture of native peoples while also promoting the same for immigrants? Is this a contradiction, or are there ethical ways to create a practice that not only values polyculturalism, but that also promotes a reconciliation that is equitable and mutually constructive? This paper is based on years of research as an immigrants' and refugee rights activist and scholar, and recent work with Indigenous scholars and cultural activists in Northeast India.

H. Tom Wilson, “Adequate Evidence in Program Evaluations”

This paper seeks to clarify what we mean by “evidence” when we recommend and carry out evaluation activities, and do so conscious of the need for cross cultural sensitivity, ethical integrity and reflexivity based on adherence to the postulate of adequacy from phenomenological social science throughout the process. It seeks to demonstrate thereby that adherence to the postulate of adequacy is often required, alongside other considerations, in order to meet realistic necessary and sufficient conditions for ‘evidence based’ research en route to cultivating a culture of evidence not only in the field of evaluation in general but in the area of cross cultural and multicultural evaluations in particular. The paper also confirms the need for continuous contact with the social sciences and other more theory focused modes of social, political, economic and cultural research as significant bases for practical improvements in responsible program evaluation as an applied social science. The grounding assumption of this paper, confirmed by numerous studies, is as follows. Assumptions that people from other cultures have collective mentalities contrary to rather than just different from ours must be resisted in the interests of reconciling cultural sensitivity and ethical integrity wherever possible with respect to the tension between own and other culture values in and through evaluative processes. Utilization of the postulate of adequacy as a required research protocol both confirms this finding and increases the likelihood of our being sensitive to the need for it when carrying out evaluations.