



Truth and Reconciliation

"Colonial Persuasions: Sovereignty as the Limit of
Reconciliation Education for New Canadians"

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Outline of Talk

(A work in Progress)

- The Colonial Discourse on Treaty Relations
- Indigenous Discourses on a Shared Understanding of Sovereignty
- Reconciliation as Colonial Persuasion
- Its limits
 - Citizenship Oath and Education (TRC 93, 94)
 - Canadian Sovereignty

Colonial-Indigenous Physical and Discursive Struggle In Canada

Doctrine of Discovery
Terra Nullius

Nation Building at the Expense of Indigenous People

Nation to nation
(Pre-confederation Treaties)

1867

- Trade
- Military alliances
- Balance of power
- Royal Proclamation 1763
- Treaty of Niagara 1764

Policy of Cultural Genocide

- Indian Act (1867 - today)
- Residential Schools (1890 -1984)
- Numbered treaties (1871-1891)
- St Catherine's Milling Case (1888)

1951

Vote (1961)

60s scoop

White Paper (69)

Land claims
Calder (1973)

M.D. Treaties
JBNQA 1975

Section 35 (1982)

Indian Control of
Education (1973)

Failed Talks
Lubicon

Innu
Anishnaabe

Oka (1990)

1973

Royal Proclamation As Colonial
Structure Today

Kelowna Accord 2005

Apology 1998

S.G 1995

RCAP
1996

Caledonia

MMIWG

Child welfare

Criminal Justice

'Contact and
Cooperation'

Explicit Colonization



Colonization Today

Royal Proclamation as Preferred Foundation

1. Sovereignty and legislative supremacy rests solely with the Canadian State,
2. Indigenous lands have been surrendered by the treaties, with limited S. 35 rights remaining,
3. Indigenous cultures are racialized as traditional and unchanging.
4. Indigenous peoples are racialized and stereotyped as inferior and as a problem for Canadian society.
5. Colonialism understood as Indigenous history with the IRS as key feature.

Colonial Discourse

Incredibly Consistent Over Time

- 1867 BNA Act 91(24) and 92, Assumption of Sovereignty
- 1876 Indian Act....control and discrimination
- 1881 to 1896
- 1888 St Catherine's Milling Case
 - Right of use
- 1951 Indian Act Amendments Section 88
- 1969 White Paper...termination
- 1973 Calder and the Royal Proclamation
 - Title unclear, but more than usufructuary, Self-government component

Colonial Discourse

Content modified, structure remains

- 1982: Aboriginal rights in Constitution in Section 35
- 1984: Guerin: Fiduciary obligation
- 1988: Francis: Treaties as 'sui generis' neither International agreement nor contract
- 1990 Sparrow
 - Infringement of Ab. Rights (Valid legislative objective)
 - Beginning of call from SCC for 'reconciliation'
- 1995: Aboriginal right to Self-government as Section 35 Aboriginal right

Colonial Discourse

Royal Proclamation Over Time: Supreme Court Trilogy

- 2004 Haida Nations
- 2005 Taku River Tlingit
- 2005 Mikisew Cree First Nations
- ‘Duty to Consult’ as government obligation
- Degrees of consultation dependent on significance of impact
 - Minimal notice to degree of accommodation, but **not Indigenous veto**

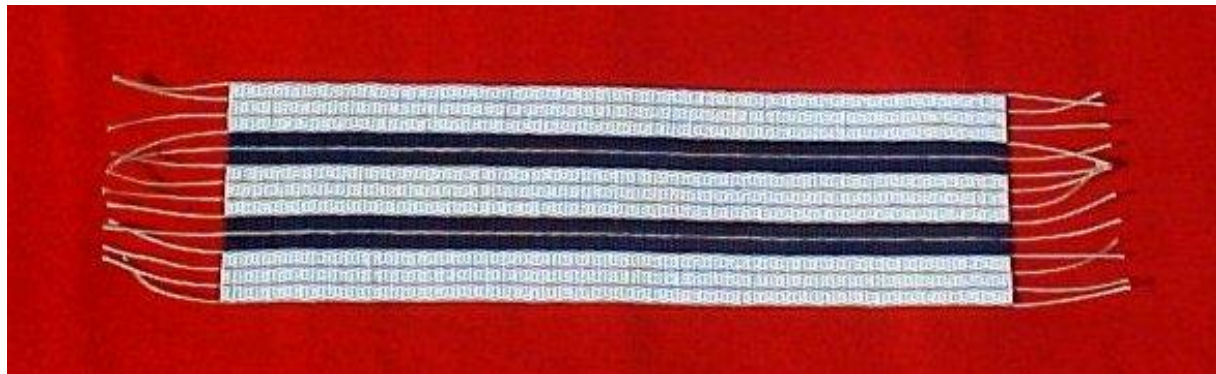
Colonization Today

Royal Proclamation as Preferred Path

- The content of the relationship maybe changing
 - Enhanced Civil liberties
 - Some important successes in socio-economics, employment, and education
 - But also some negative regressions
- The overarching colonial structure/discourse/ideologies/assumptions remain entrenched and are actively reproduced
....
- We are Settler society fully in control and seeking a sense of reconciliation

The longstanding Indigenous Discourse on Treaty Making as Limit of Reconciliation

- Treaty of Niagara 1764
 - Pre-confederation Guswentah Principles
- Based within Indigenous Political Protocols, knowledge, and language
- Mutual benefit/recognition of political and territorial sovereignty and Non-interference
- Nation to Nation Treaty Relations, ongoing renewal, and shared sovereignty on the land
- Friendship, Respect, cooperation



Guswentah Principles

Incredibly Consistent Articulation Over Time

- Pre and post confederation treaties
 - 1951 Joint Senate House of Commons Committee on Indian Act Amendments
- 1970 Red Paper / 1971 Whabung Our Tomorrows
- 1972 Indian Control of Indian Education
- Indigenous legal submissions since Calder 1973
- 1973 CYI: Together Today for our Children Tomorrow
- 1979 FSI: Indian Treaty Rights, The Spirit and Intent



Guswentah Principles

Consistent Articulation Over Time

- 1982 to 1988 Constitutional Talks on meaning of Section 35
- 1983 Penner Report, 3rd Order of Government
- Charlottetown Accord
- 1996 Royal Commission on Aboriginal People
- 2006 Kelowna Accord
- 2007 Ipperwash Inquiry Report
- 2010 UN Declaration on the Rights of Indigenous Peoples
- 2012/13 Idle No More
- 2015 TRC recommendations



Indigenous Counter Assertions *of a Shared Sovereignty*

1. Indigenous lands not surrendered by the treaties,
2. Indigenous Sovereignty and legislative supremacy continues to today,
3. Indigenous cultures change and grow like all human cultures,
4. Indigenous peoples are not an inferior race and are not the problem.
4. Colonialism is an ongoing and very contemporary relationship that Indigenous people have with Canada.

Physical and Discursive Struggle

- *The colonial discourse of the Royal Proclamation: gwatanziwag wii-di-goshinowaad*; “forcibly striving to be heard and to over-power and to be recognized as legitimate and true so as to win the struggle”
- *The Indigenous discourse of the Treaty of Niagara: manno* or the patient and respectful articulation of the truth of Indigenous presence, land title, and self-government.... it is a truth that need not be forced upon Settlers ‘as they will eventually come to understand that they have made a mistake...for now just let it be’

The PM's Persuasion

'This is the beginning of a New Era For Relationships with First Nations Across the Country'

- Renewed Nation to Nation relationship with First Nations peoples
- Section 35 Rights as 'sacred obligation'
- Rights, Respect, Cooperation, and Partnership
- Guided by spirit and intent of original relationship.... respects decisions of the courts
- No relationship is more important to Canada



Maintaining the Limit: Sovereignty and The Putting Aside of TRC 43

- UNDRIP endorsed by the federal government
- Full Political and Territorial Sovereignty

(UNDRIP Articles 3, 4, 5, 26)

- ‘Adopting the UN declaration into Canadian law is unworkable’...a political distraction to the hard work of implementing it in First Nations communities’ (Justice Minister Jody Wilson-Raybould, APTN July 2016)

An Uncontested Sovereignty as the Limit to Reconciliation: TRC 94

We call upon the Government of Canada to replace the Oath of Citizenship with the following:

'I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada including Treaties with Indigenous Peoples, and fulfill my duties as a Canadian citizen.'

- Suggests that Treaties and Canadian sovereignty as an uncomplicated and uncontested matter....
- They resulted in the surrender of Indigenous political and territorial sovereignty to the Crown in exchange for a limited set of Aboriginal legal rights

TRC 93 Information Kit and Citizenship Test for Newcomers

-Revise the information kit for newcomers to Canada and its citizenship test to reflect a more inclusive history of the diverse Aboriginal peoples of Canada,
 - Treaties
 - The history of residential schools.
- The colonial discourse will most certainly prevail as the limit of reconciliation efforts

Existing Barriers that Re-enforce the Limit

Citizenship Education: Multiculturalism and Cultural Inclusion

- Multicultural-Citizenship education...
 - Loyalty to the Crown, patriotism, integration, Intercultural understanding, democratic engagement
 - Social cohesion and harmony at expense of questions of social justice and dissent.
 - ‘Slow Peace’; as integration of possibilities of dissent in interests of social justice
 - (Joshee and Thomas, 2017 Citizenship Education and Global Migration: Implications for Theory Research and Teaching.)



Existing Barriers that Re-enforce the Limit: The Primacy of Liberal Multiculturalism

- Freedom, equality, loyalty to the Country, and civility (Report on Canadian Values, Canada Race Relations, Foundation. 2016)
- Overwhelming support for multiculturalism and bilingualism (Ibid. 2016)
- Multiculturalism, diversity, land, and freedom makes Canada Unique (Environics 2016)

Existing Barriers that Re-enforce the

Limit: Newcomer Anti-Indigenous Racism (CRRF Interfaith and Belonging Project 2013)

- Increase in negative perceptions of Indigenous people
- Early adoption of racialized stereotypes of Indigenous people by Newcomers
- But also many stories of how these barriers are overcome. Ie: TARP Indigenous New Canadians



Existing Barriers that Re-enforce the Limit: Reconciliation as Inclusion and Multiculturalism (Canadian Public Opinion on Aboriginal People: National Survey, Environics 2016)

- Divided on validity of Indigenous rights
 - Land claims and treaty rights not deemed an important challenge or necessary for reconciliation
- Indigenous people do not need control over land and resources to be successful
- One part of multicultural whole...equitably inclusion, socio-economic advancement, and cultural supports

Shared Sovereignty as Structural Transformation
Not on the Table

Sovereignty as the Limit to Reconciliation: The Risk of Further Miseducation/Misrecognition

- Much more of the same...through federal persuasion
- Further entrenchment of colonialism
 - Reproduction of colonial discourse
 - With enhanced inclusion of partial truths
- *gwatanziwag wii-di-goshinowaad*; “forcibly striving to be heard and to over-power and to be recognized as legitimate and true so as to win the struggle”
- Basis of New Canadian Citizenship test
- Basis of mandatory History and Culture in Ontario curriculum (TRC 62, 63)

What Would Be Amazing!!

The Fostering of Respectful Spaces for the Sharing of Manno

- Basis of New Citizenship Education
- Mandatory Provincial curriculum development
- *The Indigenous discourse of the Treaty of Niagara: manno* or the patient and respectful articulation of the truth of Indigenous presence, land title, and self-government.... it is a truth that need not be forced upon Settlers 'as they will eventually come to understand that they have made a mistake'

What Would Still Be OK

Is to at least Provide Existing and New Citizens a Choice

- Teach about the Physical and Discursive Struggles
 - Outline the contours of the competing discourses
- Give people choices....
 - Balance inclusion and multicultural education with the contemporary challenges of Indigenous – Settler relations
- Enhance the Canadian values of 'democratic engagement' with greater internal understanding of our present social justice challenges with Indigenous people and the path back to honourable treaty relations



Chi Miigwetch!

Ideas, Comments, or Questions?