Traditional Knowledge of Nehinuw Governance

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ABSTRACT

In the context of Canadian Indigenous politics, the literature tends to focus on the relationship between Canada and Indigenous people and the negative impact of Canadian policies. The problem with the study of Indigenous Governance is that much of the research framed within colonial language, theory and research methodologies. Despite the growing body of literature on Indigenous Governance, there is little research that explores Indigenous knowledge on governance. The challenge is that most of the research to date is framed within a conception of governance based on colonial political theory and a monolithic view of Indigeneity. In order to accurately address this problem, a study of Indigenous Governance must take a much smaller, pluralistic, nation-to-nation approach. In this paper I will explore Indigenous Governance through the perspective of the Nehinuw. The Nehinuw are a specific group of Indigenous people that have lived in and around the Saskatchewan River Delta since time immemorial. This paper is based on a series of interviews conducted with Nehinuw experts in Northern Saskatchewan and Manitoba. The knowledge and experiences of these experts will provide a unique look into the theory and practice of Nehinuw Governance. This work supports the revitalization of Indigenous knowledge and aims to challenge dominant discourses on governance and political theory.

KEYWORDS: Decolonization, Revitalization, Governance, Traditional Knowledge, Policy, Canada, Policy Studies, Indigenous Studies.

INTRODUCTION

The practices of Indigenous Governance may have evolved, but the theories have not changed. Despite the consistency of Indigenous Governance theory, recent Indigenous Scholarship (Alfred, 2005; Borrows, 2010; Corntassel, 2012; Coultard, 2014; Ladner, 2001; Palmater, 2011a; Simpson, 2011) argues for the revitalization of Indigenous Governance in Canada. Without revitalization Canadian Governance theory and practice will replace the diverse theories and practices of Indigenous Governance. Studying Indigenous Governance is a small part of the revitalization and it is gaining momentum in academia and society. My dissertation supports this revitalization by exploring the theory and practice of Nehinuw Governance. There will not be sufficient space in this paper to provide a full overview my dissertation. Instead this paper will provide an assessment of Indigenous Governance in the Canadian context. Based on this analysis, this paper will argue that there is a significant need to expand the study of Indigenous Governance to recognize the diversity of Indigenous Governances across Canada.

I will use a chronological approach to assess Indigenous Governance. First, I will discuss Traditional Indigenous Governance. Second, I will discuss the impact colonization has had on Indigenous Governance. Finally, I will assess the revitalization of Indigenous Governance. Using this structure it will be clear that there is a need to expand the study of Indigenous Governance. This expansion supports the calls to develop alternative theories of governance (Jones & McBeth, 2010; Maaka & Fleras, 2009; Orsini & Smith, 2007; Roe, 1994; Sabatier, 2007; Schlager & Weible, 2013) and the revitalization and decolonization of Indigenous knowledge (Smith, 2012).

TERMINOLOGY

I will begin by clarifying several concepts used throughout this paper. First, "Indigenous" will be used to refer to the people and cultures that originate in North America and have continued to practice their cultural heritage. This term has been recognized in international law, is consistent with United Nations Declaration on the Rights of Indigenous People (United Nations, 2008) and is increasingly used in revitalization/decolonization context (Alfred & Corntassel, 2005). Second, this paper focuses on the Nehinuw. "Nehinuw" is an Indigenous language term that refers to a specific group of Indigenous people that live in and around the Saskatchewan River Delta in Northern Saskatchewan and Manitoba (Goulet & Goulet, 2014). Finally, the English word for "Nehinuw" is "Cree". This word is frequently used in the field and the literature. However, "Cree" should not be used in the literature because it is vague. "Cree" can be used to refer to any of the numerous groups of Cree people that have a traditional territory that spans from Quebec to Alberta. The Cree people while having some shared ontology and epistemology are an extremely diverse people. Using the appropriate Indigenous term, such as Nehinuw, is the only way to ensure that you are talking about a specific group of Cree people and concepts. "Cree" will be used in this paper when an author has used it or it has been used to generally refer to all the groups of Cree people.

"Traditional Knowledge" is another key term used in this paper. There are two key issues with the use of the phrase "traditional knowledge". First, there is no specific document that defines the "traditions" of traditional knowledge. Borrows (2010) discusses this issue within the context of Indigenous legal systems. He argues that Indigenous people have a living legal tradition. One that has roots in the past but adapts to contemporary life. This view has had a significant impact on how I approach traditional knowledge. I argue that the traditions of

traditional knowledge shift over time and must be based on individual's understanding of what is traditional. Furthermore, even if there is a pure Indigenous tradition, there is no way to ensure which traditions are purely Indigenous since no elders or experts are alive that experienced life prior to European contact (Goulet, 2013; Morton, 1973). I have approached the participants in this study to share their knowledge of Nehinuw Governance based on their lived experiences.

Another major problem with the use of "Traditional Knowledge" is connected to the empowerment and revitalization of Indigenous knowledge. Deloria Jr (1997) argues that western science has historically disvalued and discredited Indigenous knowledge. Ladner (2001) extends this argument to the field of political science. In this approach instead of referring to Indigenous knowledge as knowledge it has been labelled as "traditional" (Jetté, 2002). Berkes (2012, l.430) argues that the recognition of traditional knowledge is a positive development. The Canadian legal system has recognized Indigenous traditional knowledge in major Indigenous court cases such as "R. v. Sparrow (1990) and Delgamuukw v. British Columbia (1997)" (Battiste & Henderson, 2000; l.1491). However, considering the classification of Indigenous knowledge as "traditional" and therefore less valuable (Battiste & Henderson, 2000; Berkes; 2012; Deloria Jr. 1997), Indigenous research should make the claim to be knowledge, full stop. This approach is consistent with Indigenous decolonization literature (Smith, 2012). I have not done this for my dissertation because the challenge is that in the field the use of "traditional knowledge" is still common practice. During my interviews I asked Nehinuw elders and experts for their input on "traditional governance". In future projects I would like to frame my research around "Indigenous knowledge".

Finally, "Governance" is another key concept in this paper. I have chosen this concept after assessing several different approaches such as public policy, public administration, and

policy process. Choosing to frame my dissertation and this paper around "Governance" was not made because it is the most accurate concept. When I was searching for an accurate term I realized that no matter what concept I chose I would be dealing with a non-Indigenous concept. Thus any term will carry different meanings to each participant. My dissertation is not simply asking Nehinuw experts to translate specific terms such as "governance," "policy" or "law"; it is about exploring an entirely unique theory of Governance. This requires that I use a broad concept to allow my participants the opportunity to highlight their understanding of Governance. "Governance" is the appropriate concept because of its broad definition in the literature. As Bevir (2012) notes there is no specific definition of "Governance" and its definition has shifted over time. The state is no longer the sole actor in the process (Isett et al, 2011; Kahler, 2009; Stoker, 1998; Wachhaus, 2009). Underneath this view of governance is a focus on "the processes and interactions" between the state and civil society (Bevir, 2012, p.1). Similarly, the study of Indigenous Governance focuses on "traditional structures and ways of governance and encompassing the values, perspectives, concepts, and principles of Indigenous political cultures" (University of Victoria, 2013, para. 1). This paper will use "Governance" because of its frequent use in the field (Shaw, 2013) and its broad definition in the literature.

TRADITIONAL INDIGENOUS GOVERNANCE

There is a growing body of literature that has focused on Traditional Indigenous Governance. The Treaty Relations Commission of Manitoba (Pratt, Bone, & The Treaty and Dakota Elders of Manitoba, 2014) published a comprehensive four volume series of Treaty Elders' Teachings. These volumes contain a variety of Indigenous teachings from various Indigenous elders across Manitoba including teachings on creation, law, sacred practices, social relations, language, education as well as a process for revitalization. A similar book was

published in Saskatchewan based on discussions with various Indigenous elders across the province (Cardinal & Hildebrandt, 2000). This book provides a comprehensive overview of Indigenous law, identity, the importance of the relationship with the land, and several other values and beliefs.

Goulet's dissertation (2013) is a much narrower study of Traditional Indigenous Governance. She examines Indigenous legal traditions of Cumberland House, Saskatchewan and Pelican Narrows, Saskatchewan. She discusses the Cree concepts of Onisiweuk, Wahkohtowin, and Miyo-wicehtowin. These concepts are also discussed in the sources mentioned above. "Onisinweuk refers to the people who keep the law" (p.16). "Wahkohtowin was the over-arching principle fundamental to understanding Cree values and legal principles" (p.16). "Miyo-wicehtowin is a legal principle based on the relationship of the Cree with the Creator" (p.17). This view of "Miyo-wichetowin" differs from that put forward by Cardinal & Hildebrant (2000); in their work "Miyo-wichetowin" is the "laws concerning good relations" (p.14).

Similar to Goulet, Makoksis' dissertation (2001) is a grounded theory study of Indigenous leadership. Her study focuses on the Cree people of Saddle Lake First Nation in North-Eastern Alberta. She discusses a wide variety of Cree concepts such as love, worldview, ceremony, history and governance. Interestingly, she refers to Governance as "Iyiniw Pahminsowin". She breaks down this concept into "Iyiniw", the Indigenous term for the people she studies (p.120). "Pahminsowin" which is translated into "to be in control or take care of" (p.121). When put together she suggests that "Iyiniw Pahminsowin" is how the Cree people control activities in their region. She uses the wheel as an analogy for the structure of Cree Governance noting that at the centre of the wheel is traditional knowledge and from all that

knowledge flows the system of Governance (p.123). Other works discussed above do not mention the concept of "Iyiniw Pahminsowin".

McAdam (2015) recently published her work on the Nehiyaw legal system. Nehiyaw is an Indigenous concept used to refer to the group of Cree people in Southern Saskatchewan. While this book is titled *Nationhood Interrupted: Revitalizing Nehiyaw Legal Systems,* McAdam's book is designed to be a general guide on the protocols and methodologies of Indigenous law based on the input of Indigenous elders and knowledge keepers from various Indigenous nations including Dene, Nakawe, Lakota, Dakota, Nakota, and Cree (p.16). Nevertheless McAdam does discuss many Nehiyaw political concepts. She begins by discussing the role of "Oskapews" which are "sacred helpers" (p.17). According to McAdam (2015), at the highest level the Nehiyaw legal system is called "manitow wiyinikewina" (p.38). There are four components to "manitow wiyinikewina" including human, earth, spiritual, and animal. The set of laws that apply specifically to human interactions called "nehiyaw wiyasiwewina" (p.23). In this model there was a specific role for women called "okihcitawiskwewak" (p.24). Women implemented laws, provided analysis on a case-by-case basis and carried children. According to McAdam, the Nehiyawak (Cree People) are guided in their day-to-day actions according to the "manitow wiyinikewina" (p.39). The consequences of illegal actions are referred to as "pastahowin" meaning "the breaking of laws against another human being" (p.43) and "ohcinewin" meaning "breaking of law against another other than a human being" (p.44). Finally, McAdam notes that, "at the time of treaty making, a [leadership] structure was in place that involved selecting a 'okimaw' (chief) and his 'onikaniwak' (headman)" (p.80).

In addition to this Cree focused literature, there is considerable amount of research on various Indigenous nations' political theories. Marule (1984) and Kundook (2014) discuss

traditional decision-making in Indigenous Government. Ladner's work on Blackfoot governance (2001) and Irlbacher-Fox's work on self-government in the Northwest Territory (2009) challenge dominate approaches in political science. As Ladner notes "political science's ability to understand Indigenous politics is limited because its knowledge can only view politics through western-eurocentric eyes" (Ladner, 2001, p.9). Battiste's (1997) work on the political tradition of the Míkmaw is an in-depth look into the decision-making process of the Míkmaw Great Convention Council (p.17). Similarly, Paul (2006) also goes into come detail outlining the historical development of Míkmaw Government. Alfred (1995) and Simpson (2014) conceptualize various views of Mohawk political philosophy including structure of traditional government, the role of women, and provide an overview of "Kaienerekowa" or the Great Law (Alfred, 1995, p.77). Various authors have discussed the diverse Indigenous political tradition of treaty-making (Alfred, 1995; Asch, 2014; Cardinal & Hildebrandt, 2000; Jacobs, 1991; Miller, 2009; Pratt, 2004; Simpson, 2008a). Tssassaze (2007) and Keith (2013) respectively dissect their Dene Nations' Governance and decision-making systems.

None of the Traditional Indigenous Governance literature has focused on the political traditions of the Nehinuw. The work of the Pratt, Bone, & The Treaty and Dakota Elders of Manitoba (2014), Cardinal & Hildebrandt (2000), McAdam (2015), and Goulet (2013) identify some Cree Governance principles, yet these works are openly based on knowledge from various Indigenous nations. Only Makoksis (2001) bases her research off one specific nation. The problem with this specific study is that Makoksis was not trying to uncover political theory. Her research questions were much broader, looking for Cree core values and beliefs (p.9). Only the work based on other Indigenous political traditions explores Governance. Thus, there is a gap in the Traditional Indigenous Governance literature that would be addressed by a study on Nehinuw

Governance. Assessing Nehinuw Governance is incomplete without reviewing the contemporary developments in the field and the impact these developments have had on the practice and theory of Indigenous Governance. The next section of this paper will focus on this literature.

COLONIZATION

Wilkins and Stark (2011) conclude that American Indian Politics is a combination of traditional and contemporary theory and practice. Similar to the American experience, Indigenous Governance in Canada is also a combination of traditional and contemporary theory and practice. While academia has viewed Indigenous Governance as hypothetical (Franks, 1986) and often ignored its theoretical contributions (Ladner, 2001), the theories of Indigenous Governance have much to offer. In order to gain a complete picture one must consider the impact that colonization has had on Indigenous Governance.

Miller (1989) divides the history of Canadian Indigenous relations into four periods including contact, cooperation, coercion, and confrontation. Miller's structure is useful for analysing Canadian Indigenous relations. In Miller's view "Contact" refers to the social and political situation of Indians and Europeans at the time of contact. "Cooperation" discusses the first treaties between Europeans and Indians. "Coercion" refers to the development of the Indian Act, residential school system, spread of Christianity, and the Northwest Rebellion. Finally, "Confrontation" discusses the beginning of Indigenous political organizations, the development of the Canadian Government's "White Paper", and the impact of the Constitution on Aboriginal rights. Since this book was published in 1989 it does not discuss recent developments in the relationship such as the impact of grassroots political activism (McAdam, 2015), but the nature of the confrontation has not changed (Asch, 2014).

While Miller's model provides a useful structure to assess the historical development of Indigenous Governance, I am using a slightly different model for this paper. Similarly to Miller, I begin my analysis of Indigenous Governance by reviewing the literature on Traditional Indigenous Governance. However, I do not agree that after contact there are as many segments in the history of Canadian Indigenous Relations (Frideres & Gadacz, 2012; Miller, 1989). The history of Canadian Indigenous relations moves from pre-contact to colonization. I take this position because the settlement of North America is based on the philosophy of the 1452 Papal Bull or the Doctrine of Discovery, which gave European explorers the right to claim Indigenous lands. Based on this philosophy, settlement was based on the intent to colonize and civilize all aspects of Indigenous life in North America. European society justified the colonization of the Americas for religious reasons and in the spirit of progress (Paul, 2006, p.83). Thus, I see the period following contact as colonization regardless of any cooperation or recognition that occurred.

There were some early acts of cooperation and recognition. In terms of cooperation, Miller (1989; 2009) discusses the early commercial, friendship and military treaties. However Paul (2006) argues that many of these treaties were ultimately designed to "lull [Indigenous] Nations into a false sense of security until an opportune time arose when they could dispossess [Indigenous people] of all they owned" (p.85). As for recognition, the 1763 Royal Proclamation recognized Indigenous self-government by recognizing that Indigenous lands could be acquired by the Crown (Borrows, 1994, p.17; Pratt, 2004, p.48). However, this did not change the trajectory of European policy towards Indigenous people (Frideres & Gadacz, 2012,p.4), which has illegalized Indigenous knowledge (McAdam, 2015, p.22) for the purposes of controlling the Indian population (Indian and Northern Affairs, 1978). The only true spirit of cooperation that

ever existed was on behalf of Indigenous people through treaty-making (Asch, 2014; Simpson, 2008a; Venne, 1997). The political theory of Indigenous treaty-making is based on "the traditional ideal of mutual respect and non-interference in each other's internal affairs" (Alfred, 1995, p.140). This political theory was imbedded in the continual negotiation of treaties in good faith through European colonization (Asch, 2014; Miller, 2009; Venne, 1997).

After the Royal Proclamation until 1830, the British Government, while acting with an underlying tone of superiority (Frideres & Gadacz, 2012; Paul, 2006) also treated "Indians as powerful nations with whom they had to parley to achieve agreement on a course of action" (Miller, 1989, p.99). Official government policy changed in 1830 when British Parliament argued that in order to "ameliorate the condition of the Indians" (Miller, 1989, p.100), the government should concentrate Indians on reserves, subject them to schooling, and provide them with agricultural training (Miller, 1989). This shift in policy led to the negotiation of treaties.

There is a lot of valuable information on treaty-making in Canada. The historical Canadian Indigenous treaty-making process ran between 1763 and 1921 (Asch, 2014, l.1502). These treaties included peace and friendship and territory surrender treaties (Asch, 2014; Isaac & Annis, 2010; Miller, 2009). There are three important governance issues in these historical analyses. First, even throughout colonization, the theory and practice of traditional governance has survived as embodied in the treaties. Second, Indigenous political theory has had an impact around the world (Mann, 2011), in Canada (Asch, 2014; Saul, 2008; Saul, 2014) and the United States (Jacobs, 1991; Wilkins & Stark, 2010). Finally, the negotiation of these historical agreements while often not understood by Canadians will continue to play an important role in Canadian policy because they were negotiated to last into the future and they have been affirmed in the Constitution (Miller, 2009).

One of the most disruptive policies in the history of Canadian Indigenous relations was the Indian Residential School system (IRS). I will not discuss the cultural and social impacts of the IRS, because there has been so much valuable work on this topic (Malloy, 2001; Regan, 2010; Truth and Reconciliation Commission of Canada, 2012). But I will discuss the impact the IRS had on Indigenous Governance. For the larger Indigenous Nations such as the Cree or the Dene, Indigenous knowledge survived, including knowledge on Governance, because enough Cree and Dene people survived that were able to maintain their language. Knowledge of political theory is contained in language (Viatori & Ushigua, 2007). Thus knowledge of Governance for many smaller Indigenous nations was lost because fewer numbers survived the IRS. While the IRS was not specifically focused on Governance, the IRS decreased the diversity of Indigenous Governance theory through the loss of this collective knowledge.

The Indian Act is another central piece of Canadian policy that has severely altered Indigenous Governance (Gibson, 2009). The roots of the Act can be traced to 1670 when the British Government in the United States realized that they would need to have a bureaucracy in place to maintain relations to with Indigenous people (Indian and Northern Affairs, 1978, p.3). This administration did not take hold in Canada until 1755 when the British Government appointed the first superintendent of Indian Affairs (p.vi). The Indian Act was officially introduced in 1876 to "consolidate existing legislation affecting Indians" (Miller, 2009, l.2833) including the previously negotiated treaties.

Some literature on the Indian Act has a neutral view of this act highlighting the military alliances, influx of settlers, and protection of Indians and Indian lands (Coates, 2008, p.2; Indian and Northern Affairs, 1978, p.2; Miller, 2009). However, Indigenous scholarship does not have the same view of the Indian Act. Instead the Indian Act is viewed as an "unacceptable basis for

the relations between First Nations and Canada" (Mercredi & Turpel, 1993, p.80). The impact is profound because the Indian Act is "the cradle-to-grave" (Mercredi & Turpel, 1993, p.81) administration of Indian Affairs.

In terms of Indigenous Governance, the Indian Act has reduced Indigenous Governance to a subsidiary of the Canadian State. Consider the language of the current iteration of the Indian Act,

> [Section] 3. (1) **This Act shall be administered by the Minister**, who shall be the superintendent general of Indian affairs. (Canada, 2015, p.4)

> [Section] 53. (1) **The Minister or a person appointed by the Minister for the purpose may**, in accordance with this Act and the terms of the absolute surrender or designation, as the case may be,
> (a) manage or sell absolutely surrendered lands; or
> (b) manage, lease or carry out any other transaction affecting designated lands. (Canada, 2015, p.35)

> [Section] 74. (1) **Whenever he deems it advisable for the good government of a band, the Minister may declare** by order that after a day to be named therein the council of the band, consisting of a chief and councillors, shall be selected by elections to be held in accordance with this Act. (Canada, 2015, p.46)

In each of these sections the Act clearly states that it is the Canadian Government that maintains the final control of Governance under the Indian Act. This Act has not just had procedural impact on Indigenous Governance. Since the Indian Act has structured Indigenous Governance for so long, for some Indigenous leaders Indian Act Governance has become the

theory of Indigenous Governance. These leaders have been referred to as Indian Act Chiefs (Alfred, 2009; Coates, 2008).

The Indian Act is an assimilation policy, which continues to define Indigenous politics and Canadian Indigenous Relations (Palmater, 2011a). While some would argue that the Indian Act has dropped its overt emphasis on assimilation (Coté, 2001; Indian and Northern Affairs, 1978; Miller, 1989) only the language of assimilation has been altered (Kulchyski, 1993). Prime Minister Trudeau was an advocate for this shift away from assimilation towards a "Just Society" based on equal rights and multiculturalism. The key Indigenous policy of his regime was "The White Paper" or the "Statement of the Government of Canada on Indian Policy" (Coulthard, 2014; Turner, 2007). The "White Paper [proposed] that Indian status be eliminated and the collective abandoned in favor of the individual and full ordinary citizenship" (Gibson, 2009, p.5).

Trudeau's policy was rejected by Indigenous people and helped usher in a new era of political activism that gave rise to the inclusion of Section 35 in the Constitution (Cardinal, 1999; Gibson, 2009; Mercredi & Turpel, 1993; Turner, 2007, p.13). The Canadian government has continued its approach to assimilation policy by hiring assimilation scholars into senior policy positions, such as Thomas Flanagan, and rejecting Indigenous claims to nation-to-nation policy dialogue, such as demonstrated by the Idle No More political protests (McAdam, 2015). Some scholars suggest that reforming the Indian Act in favour of equality would be the best normative direction forward (Alcantara, 2007; Cairns, 2000; Flanagan, 2000; Flanagan, Alcantara, & Dressay, 2010; Gibson, 2009; Provart, 2003). Sanderson (2014) argues that the Indian Act is a necessary evil. However, a majority of Indigenous voices would rather see the Indian Act replaced with an Indigenous political system (Alfred, 2009a; Coates, 2008; Corntassel, 2012;

Maaka & Fleras, 2009; Manuel & Posluns, 1974; McAdam, 2015; Mercredi & Turpel, 1993; Palmater, 2011a).

Following the Indian Act and the White Paper, the 1982 Constitution is another key component of the Canadian Indigenous relationship and Indigenous Governance. Trudeau's "Just Society" was embodied in the 1982 Constitution. Of particular importance for Indigenous people is Section 35, which created categories of Indigenous people, discusses land claims and states that, "existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed" (Constitution Act, 1982, s.35). Initially, the inclusion of section 35 was seen as a major win for Aboriginal people (Asch, 2014). However, there is growing recognition that section 35 has not fundamentally altered the assimilation approach of official Canadian Indigenous policy (Asch, 2014; Borrows, 1998; Coulthard, 2014; Howlett, 1994, p.641; Palmater, 2011a; Turner, 2007).

The lack of shift away from assimilation is a major theme within the Canadian Indigenous Governance literature. The 1983 Penner Report "recommended that First Nations' right to self-government be explicitly stated in the Constitution, that the federal government recognize a distinct First Nations order of government and [that the government] work towards implementing self-government" (Hurley, 2009, p.1). The first two recommendations have never been actualized and in terms of implementing self-government the Canadian Government has also been incompetent. Canada's official approach to self-government has been to negotiate agreements within the purview of the Canadian Constitution. Research has shown that negotiating self-government has been inefficient, costly and unproductive (Morse, 2008; Peach, 2009; Weaver, 1997) contrary to the "harmonious relationship" (Aboriginal Affairs and Northern Development Canada, 2013, para. 4) put forward by the Federal government. In terms of the

modern-day treaty process, research and Indigenous communities have stated that this process does not go far enough to recognize Indigenous Governance (Blackburn, 2009; Foster, 1999; Rynard, 2000). Under the Canadian model, the self-government process and Canadian policy has regulated Indigenous governments to the "self-administration of a Euro-Canadian governance regime" (Peach, 2009, p.2). The closest the Canadian Government came to recognizing self-government was in the failed 1992 Charlottetown Accord, which would have included an amendment to the Constitution to recognize the right of self-government (Hurley, 2009; Isaac, 1992).

The implementation of self-government was the key recommendation of the Royal Commission on Aboriginal Peoples (RCAP). The RCAP final report recommended "an approach to self-government [should be] built on the recognition of Aboriginal governments as one of three orders of government in Canada" (Hurley, 2009; RCAP, 1996). Aboriginal self-government was never recognized as a third order. Instead the Government response was the 1997 policy statement *Gathering Strength: Canada's Aboriginal Action Plan* (Indian Affairs and Northern Development, 1997). Even though official policy frames the right to self-government as an inherent right, the official policy only recognizes the right to self-government within the purview of the Canadian Constitution. This view of self-government is not consistent with the view that had been supported by Indigenous people (Patterson, 2006; Simon, 2009; Weaver, 1997) and has faced numerous criticisms by domestic and international human rights bodies" (Palmater, 2011a, p.166).

While there have been numerous modern day self-government agreements (Rynard, 2000) and alternative models of self-government (Abele & Prince, 2006), the Nunavut Final Agreement has had the most potential to utilize Indigenous political theory. The agreement

creates space for Indigenous perspectives and participation (Peach, 2009). Academics have argued that the Nunavut Agreement is the best model to represent Indigenous perspectives (Loukacheva, 2009; Timpson, 2006). However, there is growing recognition that this agreement has not resulted in a greater incorporation or understanding of Indigenous political theory (Dacks, 2004; Hicks, 2005; Légaré, 2010; White, 2006).

For a number of reasons Canada's use of self-government is problematic. First, Canada's policy claims that Indigenous self-government can only exist within the purview of the Canadian Constitution. However, Canadian self-government is based on a claim of sovereignty that is derived from the right of self-determination (Christie, 2007, Robbins, 2010). If Indigenous sovereignty "predates contact with Europeans and supersedes any assertion or assumption of sovereignty by states such as Britain or Canada" (Christian, 2009, p.6), then why does Canada's claim to self-government usurp Indigenous self-government? Clearly Indigenous claims for self-government pose a significant challenge for the Canadian state (Keal, 2007; Nicol, 2010; Pitty & Smith, 2011, p.127). Second, Canada has argued that the "historical treaties do not contain language that suggests the absolute surrender of powers of self-governance" (Christie, 2007, p.9). The Crown argues that the negotiation of the treaties resulted in the surrender of sovereignty, yet they were negotiated in good faith on a nation-to-nation basis (Asch, 2014; Christie, 2007). Thus by affirming treaty rights in the constitution, Canada ignores its own laws when disputing the sovereignty of Indigenous governance (Peach, 2009; Townshend, 2013). Finally, despite all the effort that the Canadian Government has put into challenging Indigenous sovereignty (Coté, 2001; Nichols, 2005; Peach, 2009), the government has used Indigenous sovereignty claims to expand Canadian Sovereignty in the Arctic (Broadhead, 2012; Loukacheva, 2009; Nicol, 2010).

The Canadian legal system has had a convoluted track record dealing with Indigenous Governance (Slattery, 2000). One on hand the Supreme Court cannot be blamed for its record. The Constitution does not define Aboriginal and Treaty rights or the right to self-government (Nahwegahbow, 2002, p.4; Weaver, 1984). Furthermore, there has never been an Aboriginal justice on the Supreme Court. So how can the court make an appropriate decision on Aboriginal law? On the other hand Justices should have experience dealing with undefined legal matters. In terms of Supreme Court decisions related to self-government there has only been a few cases specifically related to this issue. The Calder case recognized that Aboriginal rights existed pre-contact (Asch, 2014). In R. v. Pamajewon, the Supreme Court concluded that "Aboriginal rights, including any asserted right to self-government, must be looked at in the light of the specific circumstances of each case and, in particular, in light of the specific history and culture of the aboriginal group claiming the right" (R v Pamajewon, 1996, p.823). In R. v. Sparrow, the Supreme Court decided that Aboriginal rights should be interpreted "flexibly" and "liberally" (R. v. Sparrow, 1990, p.1076). In R. v. Van Der Peet, the Supreme Court conceded that First Nations had "pre-existing customs, laws and political institutions" (Morellato, 2008, p.61). In R. v. Delgamuukw, the court decided that Aboriginal peoples had "prior social organization and distinctive cultures" (Delgamuukw v. B.C., 1997). Finally, In Mitchell v. M.N.R., the Court argued that when Aboriginal rights conflicted with Canadian sovereignty, Aboriginal rights did not exist (Christie, 2007, p.10). Aside from the Mitchell decision, the Supreme Court has supported the unique nature of Indigenous Governance. However, as numerous legal scholars have argued the Supreme Court has provided little protection for Indigenous Governance (Borrows, 1998; Christie, 2007; Morellato, 2008).

Indigenous Governance has also been challenged by academic research. According to these detractors, Aboriginal people and Canada would be better off if they were to assimilate into mainstream society and abandon the benefits of Canadian Indigenous policy (Alcantara, 2007; Cairns, 2000; Flanagan, 2000; Flanagan, Alcantara, & Dressay, 2010; Murphy, 2009, p.252). In the best case, this literature makes the effort to categorize Indigenous groups as "autonomous rather than sovereign" (Meyer, 2012, p.343). Finally, the literature discusses the benefits of multilevel governance between Canadian and Aboriginal governments (Alcantara & Nelles, 2014; Papillon, 2012).

Canadian society poses the most troubling roadblock to Indigenous Governance. Canadians have a negative view of the implications of self-government (Martin & Adams, 2000, p.87). Non-governmental organizations, such as the Canadian Constitutional Society and the Fraser Institute, fund research against Indigenous Governance (Gibson, 2009; Rustand, 2010). Most average Canadians do not understand the diversity of Indigenous political theory and view the Canadian state as the only legitimate authority in this territory (Townsend, 2013, p.38). At most Canadian society is willing to support is the broad idea of self-government (Wells & Berry, 1992, p.76). As stated in a recent Globe and Mail article, "a strong majority of Canadians believe that most of indigenous peoples' problems are brought upon by themselves and that reserves should not get any more federal funds until independent auditors can review their books" (Mahoney, 2013, para 2). Finally, Canadian economic interests conflict with Indigenous claims to land and self-determination (Barker, 2009).

In summary, the Canadian State does not recognize the unique nature of Indigenous political theory. Official policy, court decisions, academic literature and Canadian society only go so far as to support a model of Indigenous Governance that exists underneath Canadian Law

(Ladner, 2009) or internal to each specific Indigenous community. The wording of their official policy states that,

> The inherent right of self-government **does not include a right of sovereignty** in the international law sense, and will not result in sovereign independent Aboriginal nation states. On the contrary, implementation of self-government should enhance the participation of Aboriginal peoples in the Canadian federation, and ensure that Aboriginal peoples and their governments do not exist in isolation, separate and apart from the rest of Canadian society. (Aboriginal Affairs and Northern Development Canada, 2013, para 6)

The paternalistic nature of Canadian Indigenous policy has deep roots in law, public opinion, and academic research. In the past, the most powerful moments of Indigenous resistance have occurred when the Canadian Government has tried to expand its authority (Coté, 2001; Cardinal, 1999; Palmater, 2011a). Section 35 of the Constitution was included, "at the insistence of many Aboriginal governments" (Borrows, 1998, p.38). Indigenous resistance has led to significant national crisis like the Oka standoff (Poelzer, 1996, Swain, 2010; York & Pindera, 1991). More recently we have seen a new wave of Indigenous political activism through the Idle No More movement (McAdam, 2015; Wotherspoon & Hanson, 2013). While the grassroots nature of this wave of political activism is unique in the history of Canadian Indigenous relations, Indigenous people have been resisting against paternalistic law and policy since contact (Dempsey, 2006). At the foundation of the resistance, Indigenous voices have been saying that Indigenous people have their own unique philosophies and methodologies. The new wave of Indigenous Governance research aims to revitalize this knowledge as a form of resistance (Abele,

2007; Fondahl & Irlbacher-Fox, 2009; Ladner, 2001; Maaka & Fleras, 2009; Timpson, 2009). Exploring the knowledge of Indigenous Governance is the fundamental purpose of this paper.

REVITALIZATION

Indigenous people of Canada have a complex and ancient political theory (Alfred, 1995; Battiste, 1997; Borrows, 2010; Deloria Jr.,1997; Ladner, 2001; Pratt, Bone, & The Treaty and Dakota Elders of Manitoba, 2014; Simpson, 2011; Venne; 1997). Indigenous political theory has not existed in isolation; it has had an outward influence on many political institutions (Borrows, 1997; Jacobs, 1991; Johansen, 2009; Saul, 2008; Wilkins & Stark, 2011). Yet over time official government policy, law, and academic research has tried to assimilate, eliminate, suppress and deny the theory and practice of Indigenous governance (Miller, 2004; Palmater, 2011b). Whenever there has been push back by Indigenous society, the Department of Indian Affairs has expanded its influence (Dacks, 2004; Voyager & Calliou, 2011). Even when the principles of Indigenous Governance are recognized in international law, article 4 of the United Nations Declaration on the Rights of Indigenous People (United Nations, 2008), the Canadian Government has denied recognition of Indigenous Governance. This is the continuation of colonization.

The policies of colonization have not erased Indigenous knowledge. The theory and practice of Indigenous Governance is a key part of that knowledge and the revitalization of the knowledge. The challenge now, that most of the recent literature has been addressing, is how does Indigenous society undo the impacts of colonization. What are the best strategies for the decolonization of Indigenous knowledge? And specifically for this paper, what are the best strategies for the decolonization of Indigenous Governance?

Fairly recently there has been a shift in the Indigenous Governance literature. Previously, the literature focused on the impacts of Canadian Indigenous policy. This literature answers key questions such as, how has Canadian policy impacted Indigenous communities (Cardinal, 1999; Coulthard; 2014; Mercredi & Turpel, 1993; Palmater, 2011a; Regan, 2010) or how can and should the Canadian Legal system recognize Indigenous legal traditions (Asch, 2014; Borrows, 2010). While these are important critiques of Canadian Indigenous policy, like Smith (2012) suggests decolonization requires a commitment to the revitalization of Indigenous knowledge.

One straightforward revitalization strategy is to define Indigenous Governance. Weaver (1984) argued that there should be an effort by Indigenous Nations to define Indian Government in order to clarify the scope of section 35 of the Constitution. Abigosis (2003) engaged in this type of revitalization project for her dissertation research. By reviewing the traditional philosophies of one First Nation, she developed a Constitution for the Tootinaowaziibeeng Treaty Reserve. This type of work supports what Indigenous people have always said, "that self-government for their nations is an inherent right that flows from the fact that they are the original nations of what is now called Canada" (Asch, 1992, p.47).

One of the challenges of this type of revitalization is that defining Indigenous Governance runs counter intuitive to Indigenous ontology. As Borrows (2010) points out Indigenous legal tradition is based on the principle of the living tree not a rigid constitutional model. Deloria Jr. (1997) and Battiste & Henderson (2000) also argue that the roots of Indigenous knowledge are based on a fluid foundation as apposed to the positivist Eurocentric ontology. Thus there are grounds to be sceptical of the type of revitalization that is not critical of its role in recreating the structures of governance that have been implemented within the Canadian Indigenous governance paradigm.

Another form of revitalization focuses less on the creation of structures and more on the specific revitalization of Indigenous political practices. As put forward by Cardinal (1999), Mercredi & Turpel (1993), and the Royal Commission on Aboriginal Peoples (1996) the key component of decolonization should be shift of control of Indigenous affairs, moving towards Indigenous control. Other scholars (Borrows, 2007, Goulet & Goulet, 2014: Jetté, 2002; Maaka & Fleras, 2009; Regan, 2010; Sanderson, 2014; Saul, 2008) argue for recognition of Indigenous theories and practices within Canadian politics. Maaka & Fleras (2009) argue for the Indigenizing of policymaking. Many Indigenous scholars emphasize the need to revitalize Indigenous political traditions through relationships with the land and language (Alfred, 2005; Simpson, 2004; Simpson, 2011).

Throughout the development of the Canadian Indigenous policy regime, a growing number of Indigenous voices began to frame revitalization/decolonization outside of the Canadian legal framework (Ten Fingers, 2005). These voices have increasingly used the inherent rights and self-determination framework to discuss revitalization and policy change (Gunn, 2007). The use of the self-determination framework is particularly important because it places Indigenous Governance within the context of international law (Corntassel & Primeau, 1995). Thus, the argument for Indigenous Governance is not about recognition underneath the Canadian Constitution, but rather is it about the inherent right to self-determination under international law (Corntassel & Primeau, 1995, p.360). Furthermore, framing Indigenous Governance around inherent rights and self-determination also weakens the Canadian State's monopoly on sovereignty since the Canadian State uses the same language to justify Canadian Governance. A considerable amount of research supports Indigenous self-determination and this discussion has

transformed international law and the state's monopoly over sovereignty (Christian, 2009; Kuokkanen, 2012; Maaka & Fleras, 2008; Shadian, 2006; United Nations, 2008).

A variety of methods have been used to push the revitalization of Indigenous Governance. Some (Borrows, 2007; Regan, 2010; Sanderson, 2014; Saul, 2008) argue that decolonization can be achieved within Canadian political institutions. During the Oka Crisis, Mohawk warriors were prepared to die to create political change (York & Pindera, 1991). Indigenous Leaders engaged in hunger strikes in order to compel the Federal government to address several policy issues (Wotherspoon & Hansen, 2013). Haudenosaunee people use their passports to travel international as a symbol of self-determination (Corntassel, 2012). Idle No More and the Yinka Dene Alliance also highlights the growing commitment to grassroots political activism in the Indigenous society (Preston, 2013; McAdam, 2015).

There are many approaches to the revitalization of Indigenous knowledge. Laenui (2000) suggests that there are five stages of decolonization. Some critiques of this position argue that decolonization does not proceed according to a rigid process (Smith, 2000). In addition to these decolonization strategies, Indigenous people are increasingly focused on a form of action that goes beyond self-determination (Corntassel & Primeau, 1995, p.353). This approach is based on the unique nature of Indigenous worldviews and focuses on the regeneration of Indigenous Nationhood and sustainable relationships with Indigenous land (Alfred, 2009b; Corntassel, 2012; Simpson, 2008b). It is healthy and successful to have a wide variety of revitalization/decolonization strategies. At the core of all these approaches is the commitment to revitalizing Indigenous knowledge. This is what Smith (2012) refers to as "coming to know the past" (l.924). Thus I see that the study Indigenous Governance is revitalization.

CONCLUSION: STUDYING NEHINUW GOVERNANCE

I was raised entrenched and involved in my Nehinuw heritage. On many occasions I recall my family talking about the Nehinuw way of doing things. These discussions also applied to the political affairs in my community. As I became aware of the literature on Indigenous Governance, I realized that the approach to governance in my community was unique. Nehinuw Governance is unique because when I read literature on Indigenous political theory I found myself questioning the theory and practices in other Indigenous communities. The question that I could not answer was how different was the theory of governance in my community from other Indigenous communities?

I found myself asking this question even when I was reading some of the most important Indigenous scholars like Alfred (2009a) Borrows (2010), Coulthard (2014), Palmater (2011a), and Simpson (2011). Each one of these authors comes from a unique Indigenous political tradition that is not Nehinuw. I also realized that much of the literature on the Cree people is not accurate because there are so many groups of Cree people such as the Nehinuw or the Nehiyaw. Learning about the diversity of Indigenous political traditions in Canada has led me to believe that there is no monolithic Indigenous Governance. Each Indigenous Nation has its own unique political theory. Therefore, the only way to develop an accurate understanding of Indigenous Governance is to continue to explore the various Indigenous theories of Governance.

My research has focused on Nehinuw Governance. Using the Nehinuw interview method, I interviewed 12 Nehinuw elders and experts. In these Nehinuw interviews I asked Nehinuw elders and experts to share their understanding of Governance. When the participants were asked about “Governance” there was difficulty directly translating this concept into the Nehinuw

worldview. Yet all participants had stories to share on Governance. Thus while there may not be a direct translation for Governance, the Nehinuw have an innate understanding of Governance.

All of the interviews led to discussions on various forms of the Nehinuw legal system. Based on my analysis of these interviews, governance was interpreted to be the application of the Nehinuw legal system. The Nehinuw legal system structures all social interactions in Nehinuw communities. Nehinuw legal principles are learnt in the family and passed on through oral histories and experience.

The Nehinuw legal system does not just apply to families. It begins with the family and expands outward in increasingly larger spheres of influence. Thus Nehinuw Governance is the application of Nehinuw legal system from the family, to other families, to other communities, and finally to other nations. This is what Borrows (2007) recognizes as "the larger governmental relationships" (p.84) that Indigenous people use to apply to law.

Within the Nehinuw legal system there is law "Wanasewayin" which derives from the verb "to set things right". There are also the consequences related to breaking the law including "Ochinewin" and "Pastawin". "Ochinewin" deals with breaking nature's law. "Pastawin" deals with the breaking of sacred law. These concepts are shared within the family and impact community activities. The understanding of governance originates with the family. This operates significantly different from the Canadian Governance system where there is a separation between the law, government and society (Inwood, 2012). Based on the unique Nehinuw theory of governance, I believe that in order to expand the field of Indigenous Governance we need to continue to research the various approaches to governance. As Indigenous people want to continue to revitalize Indigenous knowledge and to decolonize the Canadian state, more work of this type is needed.

REFERENCES

Abele, F. (2007). Between Respect and Control: Traditional Indigenous Knowledge in Canadian Public Policy. In M. Orsini & M. Smith (Eds.), *Critical Policy Studies* (233-256). Vancouver: UBC Press.

Abele, F. and Prince, M.J. (2006). Four Pathways to Aboriginal Self-Government in Canada. *American Review of Canadian Studies, 36(4), (568-597).* Retrieved from http://journals1.scholarsportal.info/details/02722011/v36i0004/568_fptasic.xml

Aboriginal Affairs and Northern Development Canada. (2013). *The Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government.* Retrieved from http://www.aadnc-aandc.gc.ca/eng/1100100031843/1100100031844

Alcantara, C. (2007). Reduce Transaction costs? Yes. Strengthen property rights? Maybe: The First Nations Land Management Act and economic development on Canadian Indian reserves. *Public Choice, 132, 421-432.*

Alcantara, C., & Nelles, J. (2014). Indigenous peoples and the state in settler societies: Toward a more robust definition of multilevel governance. *Publius, 44(1), 183.*

Alfred, G.R. (1995). *Heeding the Voices of Our Ancestors: Kahnawake Mohawk Politics and the Rise of Native Nationalism.* Toronto: Oxford University Press.

Alfred, T. (2005). *Wasáse: Indigenous Pathways of Action and Freedom*. Toronto: Broadview Press.

Alfred, T. (2009a). *Peace, Power, Righteousness: An Indigenous Manifesto.* (2nd ed.). Oxford: Oxford University Press.

Alfred, T. (2009b). Colonialism and State Dependency. *Journal of Aboriginal Health, 5, (42-60)*. Retrieved from http://www.naho.ca/jah/english/jah05_02/V5_I2_Colonialism_02.pdf

Alfred, T. (2011). Colonial Stains on Our Existence. In M.J. Cannon & L. Sunseri (Eds.) *Racism, Colonialism, and Indigeneity in Canada.* (3-11). Oxford: Oxford University Press.

Alfred, T. & Corntassel, J. (2005). Being Indigenous: Resurgences against Contemporary Colonialism. *Government and Opposition, 40(4), (p.597–614).*

Asch, M. (1992). Political Self-Sufficiency. In D. Engelstad and J. Bird (eds.), *Nation to Nation: Aboriginal Sovereignty and the Future of Canada.* (45-52). Concord, ON: Anansi Press.

Asch, M. (2014). *On Being Here to Stay: Treaties and Aboriginal Rights in Canada.* Toronto: University of Toronto Press.

Barker, A.J. (2009). The Contemporary Reality of Canadian Imperialism: Settler Colonialism and the Hybrid Colonial State. *American Indian Quarterly*, 33(3), 325-351.

Battiste, M. (1997). "Nikanikinútmaqn" in J. S. Y. Henderson. *The Mikmaw Concordat*. pp. 13-20. Halifax: Fernwood Publishing.

Battiste, M. & Henderson, J.Y. (2000). *Protecting Indigenous Knowledge and Heritage: A Global Challenge* [Kindle version]. Retrieved from Amazon.com. Saskatoon SK: Purich Publishing Ltd.

Berkes, F. (2012). *Sacred Ecology* (3rd ed.) [Kindle version]. Retrieved from Amazon.com. New York: Routledge Publishing.

Bevir, M. (2010). *Democratic Governance.* Princeton NJ: Princeton University Press.

Blackburn, C. (2009). Differentiating indigenous citizenship: Seeking multiplicity in rights, identity, and sovereignty in Canada. *American Ethnologist, 36(1), 66-78.*

Borrows, J. (1994). Constitutional Law From a First Nation Perspective: Self-Government and the Royal Proclamation. *UBC Law Review, 28(1), (p.1-47).* Retrieved from HeinOnline.

Borrows, J. (1998). Frozen Rights in Canada: Constitutional Interpretation and the Trickster. *American Indian Law Review, 22(1), 37-64.*

Borrows, J. (2007). *Recovering Canada: The Resurgence of Indigenous Law*. Toronto; University of Toronto Press.

Borrows, J. (2010). *Canada's Indigenous Constitution* (Kindle Edition). Toronto; University of Toronto Press.

Broadhead, L. (2012). Canadian sovereignty versus northern security: The case for updating our mental map of the Arctic. *International Journal, Autumn, (913-930).*

Cairns, A. (2000). *Citizens Plus: Aboriginal Peoples and The Canadian State.* Vancouver: UBC Press.

Canada. (2015). *Indian Act. R.S.C., 1985, c. I-5.* Retrieved from http://laws-lois.justice.gc.ca/PDF/I-5.pdf

Cardinal, H. (1999). *The Unjust Society.* Vancouver: Douglas & McIntyre.

Cardinal, H. & Hildebrandt, W. (2000). *Treaty Elders of Saskatchewan: Our Dream Is That Our Peoples Will One Day Be Clearly Recognized as Nations*. Calgary, AB: Calgary University Press.

Christian, K.W. (2009). Towards Recognition of our Inherent Rights as Indigenous Peoples. Retrieved from http://www.fns.bc.ca/pdf/TowardsRecognition_WChristian.pdf

Christie, G. (2007). *Aboriginal Nationhood and the Inherent Right to Self-Government.* Vancouver: National Centre for First Nations Governance. Retrieved from <http://fngovernance.org/ncfng_research/gordon_christie.pdf>

Coates, K. (2008). *The Indian Act and the Future of Aboriginal Governance in Canada.* National Centre for First Nations Governance. Retrieved from http://fngovernance.org/ncfng_research/coates.pdf

Constitution Act. (1982). Retrieved from Department of Justice. http://laws-lois.justice.gc.ca/eng/Const/page-16.html#h-52

Corntassel, J. (2012). Re-envisioning resurgence: Indigenous pathways to decolonization and sustainable self-determination. *Decolonization: Indigeneity, Education & Society, 1(1), (86-101).*

Corntassel, J. & Primeau, T.H. (1995). Indigenous "Sovereignty" and International Law: Revised Strategies for Pursuing "Self-Determination". *Human Rights Quarterly, 17(2), p.343-365.*

Coté, C. (2001). Historical Foundations of Indian Sovereignty in Canada and the United States: A Brief Overview. *The American Review of Canadian Studies, Spring/Summer, (15-23).*

Coulthard, G.S. (2014). *Red Skins, White Masks: Rejecting the Colonial Politics of Recognition.* (Kindle Edition). Minneapolis, University of Minnesota Press.

Dacks, G. (2004). Implementing First Nations Self-Government in Yukon: Lessons for Canada. *Canadian Journal of Political Science. 37(3). (671-694).*

Delgamuukw v. British Columbia. (1997). 3 S.C.R. 1010. Retrieved from http://scc.lexum.org/en/1997/1997scr3-1010/1997scr3-1010.pdf

Deloria, Jr, V. (1997). *Red Earth, White Lies: Native Americans and the Myth of Scientific Fact.* Golden, Colorado: Fulcrum Publishing.

Dempsey, H.A. (2006). *Big Bear: End of Freedom.* Vancouver: Douglas & McIntyre.

Flanagan, T. (2000). *First Nations? Second Thoughts*. Montreal: McGill-Queen's University Press.

Flanagan, T., Alcantara, C., & Dressay, A.L. (2010). *Beyond the Indian Act: Restoring Aboriginal Property Rights.* Montreal: Mcgill-Queen's University Press.

Fondahl, G. & Irlbacher-Fox, S. (2009). *Indigenous Governance in the Arctic: A Report for the Arctic Governance Project.* Prepared for the Walter and Duncan Gordon Foundation. Retrieved from http://www.arcticgovernance.org/indigenous-governance-in-the-arctic.4667323-142902.html

Foster, H. (1999). Honouring THE QUEEN'S FLAG: A Legal and Historical Perspective on the Nisga'a Treaty. *BC Studies, 120, (11-36). Retrieved from* ojs.library.ubc.ca/index.php/bcstudies/article/download/1475/1519

Franks, C.E.S. (1986). Public Administration Questions Relating to Aboriginal Self-Government. Kingston: Institute of Intergovernmental Relations. Retrieved from <http://www.queensu.ca/iigr/pub/archive/aboriginalpapers/background/BG12PublicAdministrationQuestionsRealtingtoAboriginalSelf-Government.pdf>

Frideres, J.S. & Gadacz, R.R. (2012). *Aboriginal People in Canada. (9th Ed.).* Toronto: Pearson Canada.

Gibson, (2009). *A New Look at Indian Policy: Respect the Collective - Promote the Individual.* Fraser Institute.

Goulet, T. (2013). *Revitalizing Cree Legal Traditions: Cumberland House and Pelican Narrows* (Master's Thesis). Retrieved From ProQuest.

Goulet, L.M. & Goulet, K.N. (2014). *Teaching Each Other: Nehinuw Concepts and Indigenous Pedagogy.* Vancouver: UBC Press.

Gunn, B.L. (2007). Protecting Indigenous Peoples' Lands: Making Room for the Application of Indigenous Peoples' Laws Within the Canadian Legal System. *Indigenous Law Journal, 6, 31-69.*

Hicks, (2005). Education In The Canadian Arctic: What Difference Has The Nunavut Government Made? *Indigenous Affairs, 2, (8-15).* Retrieved from http://www.iwgia.org/iwgia_files_publications_files/IA_1-2005.pdf

Howlett, M. (1994). Policy Paradigms and Policy Change: Lessons from the Old and New Canadian Policies Towards Aboriginal Peoples. *Policy Studies Journal, 22(4), (631-649).* Retrieved from http://journals1.scholarsportal.info/pdf/0190292x/v22i0004/631_ppapc.xml

Hurley, M. (2009). *The Indian Act*. Ottawa: Library of Parliament. Retrieved from http://www.parl.gc.ca/Content/LOP/ResearchPublications/prb0912-e.pdf

Indian and Northern Affairs. (1978). *The Historical Development of the Indian Act.* Ottawa: Treaties and Historical Research Centre. Retreived from <http://www.kitselas.com/images/uploads/docs/The_Historical_Development_of_the_Indian_Act_Aug_1978.pdf>

Indian Affairs and Northern Development. (1997). *Gathering Strength: Canada's Aboriginal Action Plan*. Ottawa: Aboriginal Affairs and Northern Development. Retrieved from <http://www.ahf.ca/downloads/gathering-strength.pdf>

Inwood, G. J. (2012). *Understanding Canadian Public Administration: An Introduction to Theory and Practice.* Toronto: Pearson Prentice Hall.

Irlbacher-Fox, S. (2009). *Finding Dahshaa: Self-Government, Social Suffering And, Aboriginal Policy In Canada.* Vancouver: UBC Press.

Isaac, T. (1992). The 1992 Charlottetown Accord and First Nations Peoples: Guiding the Future. *Native Studies Review, 8(2), (109-114).* Retrieved from http://iportal.usask.ca/docs/Native_studies_review/v8/issue2/pp109-114.pdf

Isaac, T & Annis, K. (2010). *Treaty Rights In The Historic Treaties Of Canada*. Saskatoon: Native Law Centre University of Saskatchewan.

Jacobs, R. (1991). Iroquois Great Law of Peace and the United States Constitution: How the Founding Fathers Ignored the Clan Mothers. *American Indian Law Review, 16(2), 497-531.* Retrieved from http://www.jstor.org/stable/20068706

Jetté, D.A. (2002). *On the Outside Looking In: Opening the Door to Indigenous Knowledge Contributions to Aboriginal Governance in Canada*. (Master's Thesis). Retrieved from ProQuest.

Johansen, B. (2009). Native American Governance and the United States Constitution. *eJournal USA, 14(6), (12-16).* Retrieved from http://iipdigital.usembassy.gov/media/pdf/ejs/0609.pdf

Jones, M.D. & McBeth, M.K. (2010). A Narrative Policy Framework: Clear Enough to Be Wrong? Policy Studies Journal, 38(2), 329-253.

Keal, P. (2007). Indigenous Self-Determination and the Legitimacy of Sovereign States. *International Politics, 44, 287-305.*

Kulchyski, P. (1993). Anthropology in the Service of the State: Diamond Jenness and Canadian Indian Policy. *Journal of Canadian Studies, 28(2), (21-50).*

Kuokkanen, R. (2012). Self-Determination and Indigenous Women's Rights at the Intersection of International Human Rights. *Human Rights Quarterly, 34, (225–250).*

Kundook, J.G. (2014). Transforming Our Nuuyum: Contemporary Indigenous Leadership and Governance. *Indigenous Law Journal, 12(1), (33-60).*

Ladner, K. (2001). *When Buffalo Speaks: Creating an Alternative Understanding of Traditional Blackfoot Governance* (Doctoral Dissertation). Retrieved from ProQuest.

Ladner, K. (2009). Take 35: Reconciling Constitutional Orders. In A.M. Timpson (Ed.), *First Nations, First Thoughts: The Impact of Indigenous Thought in Canada (279-300)*. Vancouver: UBC Press.

Laenui, P. (2000). Processes of Decolonization. In M. Battiste (Ed.), *Reclaiming Indigenous Voice and Vision (150-160).* Vancouver: UBC Press.

Légaré, A. (2010). *The Construction of Nunavut: The Impact of the Nunavut Project on Inuit Identity, Governance and Society*. (Doctoral Dissertation). Retrieved from ProQuest.

Littlebear, L., Boldt, J., & Long, A. (1984). *Pathways to self-determination: Canadian Indians and the Canadian state.* Toronto, Canada: University of Toronto.

Loukacheva, N. (2009). Nunavut and Canadian Arctic Sovereignty. *Journal of Canadian Studies, 43(2), (82-108).*

Maaka, R. & Fleras, A. (2008). Contesting Indigenous Peoples Governance: The Politics of State-Determination vs. Self-Determining Autonomy. In Y.D. Belanger (Ed.) *Aboriginal Self-Government in Canada: Current Trends and Issues (3rd ed.).* Saskatoon: Purich Publishing. (69-101)

Maaka, R. & Fleras, A. (2009). Mainstreaming Indigeneity By Indigenizing Policymaking: Towards An Indigenous Grounded Analysis Framework As Policy Paradigm. *Indigenous Policy Journal, 20(3), p.1-21.*

Mahoney, J. (Jan 16, 2013). Canadians' attitudes hardening on aboriginal issues: new poll. Globe and Mail. Retrieved from http://www.theglobeandmail.com/news/national/canadians-attitudes-hardening-on-aboriginal-issues-new-poll/article7408516/

Makokis, L.J. (2001). *Teachings From Cree Elders: A Grounded Theory Study Of Indigenous Leadership* (Doctoral Dissertation). Retrieved from ProQuest.

Malloy, J. S. (2001). *A National Crome: The Canadian Government and the Residantial School System, 1879 to 1986. (3rd Ed.).* Winnipeg: University of Manitoba Press.

Mann, C.C. (2011). *1493: Uncovering the New World Columbus Created*. New York: Vintage Books.

Manuel, G. & Posluns, M. (1974). *The Fourth World: An Indian Reality.* Don Mills, ON: Collier-MacMillan Canada Ltd.

Martin, D. & Adams, C. (2000). Canadian Public Opinion Regarding Aboriginal Self-Government: Diverging Viewpoints as Found in National Survey Results. *American Review of Canadian Studies, Spring, (79-88).*

Marule, M.S. (1984). Traditional Indian Government: Of the People, by the People, for the People. In Littlebear, L., Boldt, J., & Long, A. *Pathways to self-determination: Canadian Indians and the Canadian state.* Toronto, Canada: University of Toronto.

McAdam, S. (2015). *Nationhood Interrupted: Revitalizing Nehiyaw Legal Systems.* Saskatoon, SK: Purich Publishing

Mercredi, O. & Turpel, M. E. (1993). *In the Rapids: Navigating the Future of First Nations.* Toronto: Penguin Books.

Meyer, W.H. (2012). Indigenous Rights, Global Governance, and State Sovereignty. *Human Rights Review, 13, (327-347).*

Miller, J.R. (1989). *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada.* Toronto: University of Toronto Press.

Miller, J.R. (2004). *Lethal Legacy: Current Native Controversies in Canada.* Toronto: McClelland & stewart Ltd.

Miller, J.R. (2009). *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada. (Kindle Edition)* Toronto: University of Toronto Press.

Morellato, M. (2008). *The Crown's Constitutional Duty to Consult and Accommodate Aboriginal and Treaty Rights*. Research Paper for the National Centre for First Nations Governance. Retrieved from http://fngovernance.org/resources_docs/Crown_Duty_to_Consult__Accommodate.pdf

Morton, A.S. (1973). *A History of The Canadian West to 1870-71 (2nd ed.).* Toronto: University of Toronto Press.

Morse, B.W. (2008). Regaining Recognition of the Inherent Right of Aboriginal Governance. In Y.D. Belanger (Ed.) *Aboriginal Self-Government in Canada: Current Trends and Issues (3rd ed.).* Saskatoon: Purich Publishing. (39-68)

Murphy, M. (2009). Civilization, Self-Determination and Reconciliation. In A.M. Timpson (Ed.), *First Nations, First Thoughts: The Impact of Indigenous Thought in Canada (251-278).* Vancouver: UBC Press.

Nahwegahbow, D.C. (2002). *Recognition Of Inherent Rights Through Legislative Initiatives.* North Bay, Ontario. Conference Presentation, Toronto, ON Indigenous Bar Association, October 18, 2002.

Nichols, R.L. (2005). Realizing the Social Contract: The Case of Colonialism and Indigenous Peoples. *Contemporary Political Theory, 4, (42-62).*

Nicol, H.N. (2010). Reframing Sovereignty: Indigenous Peoples and Arctic States. *Political Geography, 29, (78-80).*

Orsini, M. & Smith, M. (2007). Critical Policy Studies. In M. Orsini & M. Smith (Eds.) Critical Policy Studies, 1-18. Vancouver: UBC Press.

Palmater, P. (2011a). *Beyond Blood: Rethinking Indigenous Identity*. Saskatoon: Purich Publishing.

Palmater, P. (2011b). Stretched Beyond Human Limits: Death By Poverty in First Nations. *Canadian Review of Social Policy, 65/66, (112-127).*

Papillon, M. (2012). Adapting federalism: Indigenous multilevel governance in canada and the united states. *Publius: The Journal of Federalism, 42(2), 289-312.* doi:10.1093/publius/pjr032

Patterson, L.L. (2006). *Aboriginal Roundtable to Kelowna Accord: Aboriginal Policy Negotiations 2004-2005*. Ottawa: Political and Social Affairs Division. Retrieved from <http://www.parl.gc.ca/Content/LOP/researchpublications/prb0604-e.pdf>

Paul, D.N. (2006). *First Nations History: We Were Not The Savages: Collision Between European and Native American Civilizations.* (3rd Ed.). Halifax: Fernwood Publishing.

Peach, I.L. (2009). *Reconciling The Constitutional Order: Positing a New Approach to the Development of Indigenous Self-Government and Indigenous Law (Master's Thesis)*. Kingston: Queen's University.

Pitty, R. & Smith, S. (2011). The Indigenous Challenge to Westphalian Sovereignty. *Australian Journal of Political Science, 46(1), 121-139.*

Pratt, A. (2004). Treaties vs. Terra Nullius: "Reconciliation," Treaty-Making and Indigenous Sovereignty in Australia and Canada. *Indigenous Law Journal, 3, (43-60).*

Pratt, D., Bone, H., & The Treaty and Dakota Elders of Manitoba. (2014). *Untuwe Pi Kin He – Who We Are: Treaty Elders' Teachings Volume 1.* Winnipeg, MB: Treaty Relations Commission of Manitoba.

Preston, J. (2013). Neoliberal settler colonialism, Canada and the tar sands. *Race & Class, 55(2), (42–59).*

R. v. Pamajewon. (1996). 2 S.C.R. 821. Retrieved from http://scc.lexum.org/decisia-scc- csc/scc-csc/scc-csc/en/1411/1/document.doc

R. v. Sparrow. (1990). 1 S.C.R. 1075. Retrieved from http://scc.lexum.org/en/1990/1990scr1-1075/1990scr1-1075.pdf

Regan, P. (2010). *Unsettling the Settler Within: Indian Residential Schools, Truth Telling, and Reconciliation in Canada*. Vancouver: UBC Press.

Robbins, J. (2010). A nation within? Indigenous peoples, representation and sovereignty in Australia. *Ethnicities, 10(2), 257–274.*

Roe, E. (1994). Narrative Policy Analysis: Theory and Practice. Durham, CT: Duke University Press.

Royal Commission on Aboriginal Peoples. (1996). *Report of the Royal Commission on Aboriginal People.* Ottawa: Canada Communication Group.

Rustand, J.K. (2010). *Is "Inherent Aboriginal Self-Government" Constitutional?* Canadian Constitutional Foundation. Retrieved from http://theccf.ca/wp-content/uploads/2013/07/Is-Inherent-Aboriginal-Self-Government-Constitutional-12-01-10.pdf

Rynard, P. (2000). Welcome In, But Check Your Rights at the Door": The James Bay and Nisga'a Agreements in Canada. *Canadian Journal of Political Science, 33(2), (211-243).*

Sabatier, P. (2007). The Need for Better Theories. In P. Sabatier (Ed.), *Theories of the Policy Process. (3-17).* Cambridge: Westview Press.

Sanderson, D. (2014). Overlapping Consensus, Legislative Reform and the Indian Act. *Queen's Law Journal, 39(2), (p.511-550).* Retrieved from http://queensu.ca/lawjournal/issues/pastissues/Volume39-2/05-Sanderson.pdf

Saul, J. R. (2008). *A Fair Country: Telling Truths About Canada*. Toronto: Viking Group.

Saul, J.R. (2014). *The Comeback.* Toronto: Viking Group.

Schlager, E. & Weible, C.M. (2013). New Theories of the Policy Process. *Policy Studies Journal, 41(3), p.389-396.*

Shadian, J. (2006). *Reconceptualizing Sovereignty Through Indigenous Autonomy: A Case Study Of Arctic Governance And The Inuit Circumpolar Conference*. (Doctoral Dissertation). Newark: University of Delaware.

Shaw, R. (2013). 'Meaning just what I choose it to mean – neither more nor less': The search for governance in Political Science. *Political Science, 65(2), (p.178–197).* DOI: 10.1177/0032318713504084

Simpson, A. (2014). *Mohawk Interruptus: Political Life Across the Borders of Settlers States.* Duke University Press.

Simpson, L. (2004). Anticolonial Strategies for the Recovery and Maintenance of Indigenous Knowledge. *American Indian Quarterly*, 28(3/4), (373-384).

Simpson, L. (2008a). Looking after Gdoo-naaganinaa: Precolonial Nishnaabeg Diplomatic and Treaty Relationships. *Wicazo Sa Review, 23(2), (29-42).*

Simpson, L. (2008b). Our elder brothers: The lifeblood of resurgence. In L. Simpson (Ed.), *Lighting the Eighth Fire (pp. 73-88).* Winnipeg: Arbeiter Ring Publishing.

Simpson, L. (2011). *Dancing On Our Turtle's Back : Stories Of Nishnaabeg Re-Creation, Resurgence And A New Emergence*. Winnipeg : Arbeiter Ring Publishing.

Simon, M. (2009). Inuit and the Canadian Arctic: Sovereignty Begins at Home. *Journal of Canadian Studies, 43(2), 250-260.*

Slattery, B. (2000). Making Sense of Aboriginal and Treaty Rights. *The Canadian Bar Review, 79, (196-224).*

Smith, G.H. (2000). Protecting and Respecting Indigenous Knowledge. In M. Battiste (Ed.), *Reclaiming Indigenous Voice and Vision. (209-224).* Vancouver: UBC Press.

Smith, L. T. (2012). *Decolonizing Methodologies: Research and Indigenous Peoples.* London: Zed Books.

Swain, H. (2010). *Oka: A Political Crisis And Its Legacy*. Vancouver : Douglas & McIntyre

Ten Fingers, K. (2005). Rejecting, Revitalizing, and Reclaiming: First Nations Work to Set the Direction of Research and Policy Development. *Canadian Journal of Public Health, 96(1), (s60-s64).*

Timpson, A.M. (2006). Stretching the Concept of Representative Bureaucracy: The Case of Nunavut. *International Review of Administrative Sciences, 72(4), 517-530.*

Townshend, R. (2013). The Case for Native Sovereignty. In M. Charlton & P. Barker (Eds.) *Crosscurrents: Contemporary Political Issues. (7th ed.)*. Toronto: Nelson Education Ltd. (38-43)

Truth and Reconciliation Commission of Canada. (2012). *Canada, Aboriginal Peoples, and Residential Schools: They Came For the Children.* Winnipeg: Truth and Reconciliation Commission of Canada. Retrieved from http://www.myrobust.com/websites/trcinstitution/File/2039_T&R_eng_web[1].pdf

Turner, D. (2007). *This is Not a Peace Pipe: Towards a Critical Indigenous Philosophy.* Toronto: University of Toronto Press.

United Nations. (2008). *United Nations Declaration on the Rights of Indigenous Peoples.* Retrieved from http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf

University of Victoria. (2013). Indigenous Governance (Masters). Victoria BC: University of Victoria. Retrieved from http://www.uvic.ca/graduatestudies/programs/home/programdescriptions/programs/indigenous-governance-ma.php

Venne, S. (1997). Understanding Treaty 6: An Indigenous Perspective. In M. Asch (Ed.) *Aboriginal and Treaty Rights in Canada Essays on Law, Equality, and Respect for Difference. (173-207).* Vancouver: UBC Press.

Viatori, M.S. & Ushigua, G. (2007). Speaking Sovereignty: Indigenous Languages and Self-Determination. *Wicazo Sa Review, 22(2), (7-21).*

Voyager, C. & Calliou, B. (2011). Aboriginal Economic Development and the Struggle for Self-Government. In M.J. Cannon & L. Sunseri (Eds.) *Racism, Colonialism, and Indigeneity in Canada. (203-212).* Oxford: Oxford University Press.

Weaver, S. (1997) "An Assessment of the Federal Self-Government Policy" in A. Morrison and I. Cotler, eds. *Justice for Natives: Searching for Common Ground.* Montreal and Kingston: McGill-Queen's University Press.

Weaver, S.M. (1984). Indian Government: A Concept in Need of a Definition. In Littlebear, L., Boldt, J., & Long, A. *Pathways to self-determination: Canadian Indians and the Canadian state.* Toronto, Canada: University of Toronto.

Wells, M. & Berry, J.W. (1992). Attitudes Towards Aboriginal Self-government: The Influences Of Knowledge, And Cultural And Economic Security. *Canadian Journal of Native Studies, 12(1), (1-19).* Retrieved from http://www2.brandonu.ca/library/CJNS/12.1/wells.pdf

White, G. (2006). Traditional Aboriginal Values in a Westminster Parliament: The Legislative Assembly of Nunavut. *The Journal of Legislative Studies, 12(1), (8–31)*. Retrieved from http://journals1.scholarsportal.info/pdf/13572334/v12i0001/8_taviawptlaon.xml

Wilkins, D.E. & Stark, H.K. (2011). *American Indian Politics and the American Political System, (3rd Ed.).* Lanham, Maryland: Rowman & Littlefield Publishers Inc.

Wotherspoon, T., & Hansen, J. (2013). The "Idle No More" Movement: Paradoxes of First Nations Inclusion in the Canadian Context. *Social Inclusion, 1(1), (21-36).*

York, G & Pindera, L. (1991). *People of the Pines: The Warriors and the Legacy of Oka*. Little Brown & Co.