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Manifestations Of Colonialism In Canada

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MANIFESTATIONS OF COLONIALISM IN CANADA

by

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ABSTRACT

As a settler-colonial nation, Canada has throughout its history been host to various forms of colonial power. Colonialism, representing the domination and control over a people (or peoples) by another power, remains a factor in modern Indigenous-state relations. Through an analysis of various government documents and treaty agreements, manifestations of colonialism have been found to persevere. Ultimately, the language and forms of colonial power has changed over the course of history, but the direction and purpose of colonial power remains the same. Various commissions funded by the federal government have made recommendations for the government to take action in order to heal the colonial Indigenous-state relationship, however there has been a lack of forward momentum on the part of the Canadian government to implement the suggested recommendations. A movement into the future of Indigenous-state relations requires the education and support of all Canadians on the colonial past and present of this settler nation.

Key words: Colonial power; treaty; First Nations; Post-Colonial

DEDICATION

To my amazing parents, whose constant love and support has given me the strength to carry on.

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PART ONE: INTRODUCTION

> Through positioning both Indigenous peoples and the injustices they suffer as non-modern and historical, and itself as a source of social, political, and material redemption, the state manages to legitimize both injustice and its ongoing colonial-based interventions into the lives of Indigenous peoples.
>
> Irlbacher-Fox, 2009, p.2

It is easy to assume that the Canadian government has "corrected history" by attempting to formally recognize and reconcile injustices committed against the Aboriginal population through tools such as treaties, land claims, legislation, commissions, and a formal apology. Commissions such as the Royal Commission on Aboriginal Peoples (1996) and the Indian Residential Schools Truth and Reconciliation Commission (2008) have stressed the importance of healing the colonial relationship between Canada's Aboriginal Peoples and the Canadian state. The Canadian government has taken steps (for example, the formal apology issued by Prime Minister Stephen Harper in 2008), to mend the colonial relationship in what can only be assumed to be an attempt at reconciling historical colonial violence. However, as evident through the recent Idle No More movement, what remains is a troubled Aboriginal population, in search of meaningful reconciliation. It is clear that there remains a disconnect between Aboriginal Peoples and the Canadian state, thus turning the lens of inquiry towards what is preventing meaningful reconciliation.

If colonialism is understood to be the partial or total control over and exploitation of one nation by another nation, manifestations of colonial power can be found in government documents throughout Canadian history. Given this, how has the face of colonialism changed throughout history, as seen through treaties, legislation, policy, and

government commissions? Do less blatant manifestations of colonial power continue to plague the Canadian-Indigenous relationship?

There is little argument against the view that Canada is a colonial nation, a nation of immigrant settlement on Indigenous land. Colonialism has manifested itself in different forms since the beginning of immigration and settlement in Canada. My research has sought to discover and address the various manifestations of colonialism and colonial power through the Indigenous-state relationship, in order to draw conclusions regarding how the Canadian state and First Nations populations in Canada can move together into the next stage of the relationship. I hypothesize that a lack of recognition of historical and present manifestations of colonialism and colonial power evident in state actions, are preventing meaningful recognition and reconciliation and thus ultimately preventing the movement into the next phase of relations. Furthering this hypothesis is the problem of illustrating the historical and modern manifestations of colonialism and colonial power in Canada. What does colonialism/colonial power look like in government documents?

In order to begin the discussion on my analysis of government documents illustrating colonial power, this paper is structured as follows; a brief discussion of relevant terminology and key issues is first necessary. The research methodology section follows, outlining the research process undertaken and the type of analysis conducted. Following this is the literature review, summarizing relevant theoretical and contextual literature. Before delving into the research findings from the document analysis, a brief history of the Aboriginal-state relationship is provided. This section is necessary in order to understand the depth of the colonial relationship in Canada and how it has progressed throughout history. After reviewing the historical relationship, the major themes from the

document analysis are presented. Each section of the document analysis themes includes a discussion of one or more of the documents analysed (as per the relevance to the theme). Concluding the paper are some thoughts on the future of colonialism in Canada and the impact of some recent events on the colonial power relationship.

Key Terms and Issues

To begin, reference to the people this research is concerned with must be addressed. Throughout this paper, the terms First Nations, Aboriginal and Indigenous will be used to describe the relevant population. The terms Aboriginal and Indigenous are used interchangeably through the literature and Aboriginal people themselves; therefore both terms are used in this paper. A differentiation must be made between First Nations peoples and the other Indigenous populations in Canada. According to Aboriginal Affairs and Northern Development Canada (AANDC), the term "Aboriginal" represents the three different groups who lived in Canada before European colonization (Inuit, First Nations and Metis). According to the AANDC website:

> First Nations are those peoples who historically lived in North America, from the Atlantic to the Pacific, below the Artic. Inuit historically lived along the coastal edge and on the islands of Canada's far north. The Metis descend from the historical joining of First Nations members and Europeans.

The research presented concerns First Nations Peoples and is not referencing Canada's Inuit or Metis populations. While some documents concern Canada's entire Aboriginal population, First Nations People will be of concern during the analysis.

Underlying the various manifestations of colonialism through history and through various government documents are notions of colonialism itself as well as that of post-colonialism. There is also a need to understand the conceptualization of recognition and reconciliation with regards to Indigenous-state relations.

The conceptualization of colonialism is vital to this research topic, and has guided both my analysis and understanding of the government documents examined. In his own

discussion of the meaning of colonialism, Gary C. Anders (1980) cites a definition provided by Robert Blauner (p.682):

> Colonialism traditionally refers to the establishment of domination over a geographically external political unit, most often inhabited by people of a different race and culture, where this domination is political and economic, and the colony exists subordinated to and dependent upon the mother country. Typically the colonizers exploit the land, the raw materials, the labor and other resources of the colonized nation; in addition a formal recognition is given to the differences in power, autonomy, and political status, and various agencies are set up to maintain this subordination.

Further in his discussion of the meaning of colonialism, Anders notes several key characteristics evident in a colonial relationship (1980). Colonialism involves a power disparity that is often economically motivated and politically facilitated resulting in the maltreatment of a perceived "inferior" group (1980). Anders also points out the institutionalization of colonialism, arguing that communication between the colonizers and the colonized is often filtered through an institution. All of the characteristics provided by Anders directly apply to the colonization of Canada's Aboriginal populations.

In addition to the definition provided by Anders, the conceptualization of the term by scholar D'Arcy Vermette must also be considered. Vermette argues that "for Aboriginal people, colonialism is not simply an act of settling lands and extending Crown authority. Colonialism has invaded Aboriginal souls in the sense that everyday we are faced with questions of identity and dislocation," (2009, p.226). Vermette further points out the continued application of legal power over the colonized nation that is profound in any colonial power dynamic (2009). Vermette's definition furthers that provided by Anders and Blauner as it illustrates the meaning of colonialism from the perspective of the colonized.

For the purposes of this research project, colonialism can be understood as encompassing all three scholarly definitions provided. The geographic nature of colonization cannot be overlooked as the power dynamic begins with the subjugation of Indigenous lands. Colonialism also involves the political and economic control over the Indigenous population, often filtered through a government agency or institution. As a result of the geographic, economic and political control over Indigenous lands and populations, the identity and cultures of Indigenous populations are negatively affected. The domination of land and culture by the colonizer results in the physical and cultural oppression of the Indigenous population.

Once colonialism has been defined, the concept of the "post-colonial" must be examined. In the introductory chapter to their book on post-colonial theory, Peter Childs and Patrick Williams discuss the problematic nature of the term "post-colonial," (1997). In their discussion, Childs and Williams deconstruct the "post-colonial" looking specifically at the meaning of "post", describing two distinct understandings of the term. The first understanding is that "post" refers to a period in time and represents the literal "after" of colonialism, meaning colonialism ended with Canadian independence. The second understanding of the term "post" is that it represents thinking <u>beyond</u> colonialism so as to allow for the critique of colonial measures, (1997). This understanding can also be thought of as "anti-colonial" because it allows for the rejection of the very premises of colonist intervention, and a quest to "recover 'lost' pre-colonial identities," (1997, p.14).

The next important set of terms to define in order to properly understand and delve into the research is that of recognition and reconciliation. In order to set attainable goals for commissions and government actions to "make amends", such reconciliation must first

be defined. In his discussion of recognition politics and reconciliation fantasies, Brian Egan cites Glen Coulthard as stating, "the Indigenous self-determination movement in Canada has been centrally mobilized around demands for recognition," (2011, p.134). The demands for recognition discussed by Egan revolve around land, territory, self-government, "nation" status, and a government-to-government relationship with the Canadian state.

Richard Day contributes to the discussion of recognition politics, arguing that recognition processes in Canada are traditionally token gestures and lack genuine, mutual recognition (2000). Day purports that true recognition is only possible when both parties involved express it mutually. Day suggests in his book on multiculturalism that any other form of recognition, that is not mutually expressed, is a further separation between the state and the problematic "Other" (2000). Recognition therefore involves a mutual acknowledgement of the "Other's" status as a nation, and an understanding of the "Other's" perspective. This necessarily includes recognition of the past and in the case of the Canadian government, an acknowledgement of the historical harms caused by colonialism on the Indigenous population.

The term reconciliation is also important to this research and an exploration of its meaning is necessary. In her discussion of the meanings of reconciliation associated with the Nisga'a treaty in Canada, Carole Blackburn outlines two main meanings of the term, (2007). The first definition provided by Blackburn involves correcting past mistakes and creating new relationships between Aboriginal peoples and the Canadian government. The second definition involves reconciling the protection of Aboriginal rights and making the rights of Aboriginal peoples compatible with the functions of the Canadian state, (2007).

The two interpretations of the term reconciliation as applied to Aboriginal-state relations both involve a movement into the future at the same time as an acknowledgement of the past and of past behaviours and actions.

Brian Egan also provides a conceptualization of the term reconciliation. Egan describes reconciliation with regards to Indigenous populations in Canada as a fantasized goal. "This fantasy of reconciliation imagines Canada reaching a point of completion of rest, a tie and place where identities and relations are fully realized and harmonized, and where there is a perfect congruence between individual, nation, and state," (2011, p.136). For Egan, reconciliation involves an imagined closure, an end to the colonial powers imposed on Aboriginal populations in Canada. While his definition is something to consider in the discussion of reconciliation, it perhaps is too focused on the utopian model of decolonization and fails to see the realistic application of notions of reconciliation.

While his utopian notions of reconciliation as decolonisation may not strictly apply to this research, he does provide useful insight into the process of reconciliation. Egan suggests that reconciliation may mean different things to the different parties involved in the relationship, (2011). This is very important considering the research question at hand and the parties involved in treaties, land claims, commissions and the legislative process. The goals and intentions of all parties involved in any of the documents studied are relevant and have been taken into consideration in order to provide an accurate understanding of the negotiation (or political) environment at the time.

After considering the definitions offered by Blauner, Anders, Vermette, Blackburn and Egan, my working conceptualization of the term reconciliation can be understood as

representing a period in time where Indigenous populations as well as the Canadian state reach a harmonious agreement which will ultimately strengthen the relationship through compromise and mutual respect/recognition so as to move into the future together. Taiaiake Alfred (2005) states that "real change will happen only when settlers are forced into a reckoning of who they are, what they have done, and what they have inherited; then they will be unable to function as colonials and begin instead to engage other peoples as respectful human beings," (p.184). I conceive reconciliation as signifying a shift in the Indigenous-state relationship, away from conflicting epistemological standpoints and towards a cooperative and respectful relationship. Reconciliation involves, as suggested by Alfred, the acknowledgement of Canada's colonial past (and present). It is easy to operate under the assumption that the past is in the past, however the Canadian stats and Canadians in general need to move away from this approach and instead recognize Canada as the settler, colonial nation that it is. In this recognition, there is inherently recognition of the peoples who have been historically and who are presently displaced and controlled by the Canadian state. It is clear that Canada has not reached this stage yet, given for example the comments made by Prime Minister Stephen Harper in the media in September 2009 that "Canada has no history of colonialism," (as cited in Crosby and Monaghan, 2012).

Methodology

As can be gleaned from the introduction to this research, as well as from the literature review, colonialism is not a historical phenomenon. Colonialism has been in practice in Canada since the immigration and settlement of Europeans began, following the "discovery" of North America by Columbus in 1492. The Royal Commission on Aboriginal Peoples (1996) outlines distinct periods in the colonial project, separating the relationship between Indigenous nations and colonizing nations into stages (separate worlds, contact and co-operation, displacement and assimilation, negotiation and renewal). It can be assumed that manifestations of colonialism have changed throughout the stages in the colonial relationship, thus turning the question to *how* such changes have taken form, *how* have these changes been represented in relevant government documents, and what effect do they have on recognition and reconciliation processes? What does colonialism look like today and how does it differ and/or resemble manifestations of colonialism throughout Canadian history?

My quest for knowledge regarding manifestations of colonialism in Canada, historical and modern, has taken a critical theory approach. The nature of my knowledge throughout the research process is gained from historical insights, and my conclusions have been based from a "generalization by similarity," (Lincoln & Guba, 2003, p.257). Given the nature of knowledge throughout this research process, a critical theory approach is most applicable. The point of critical theory is to provide an analysis and understanding of issues of power and oppression and inequity. The nature of the research question and therefore the process undertaken to answer is dialogic; it involves the communication

between documents and also an analysis of such communication. Lincoln and Guba (2003) identify the methodological approach of critical theory as being dialogic.

In order to address the research questions identified, a critical discourse analysis of various government documents pertinent to the Indigenous-state relationship in Canada has been conducted. The focus of the study has been on manifestations of colonial power, evident through the documents selected for analysis. Embedded within the research, has been the underpinning of post and anti-colonial theory which dictate what colonialism is and how it appears in the colonial nation. The ultimate goal with this research has been to identify the nature of colonial power manifestations in Canada from confederation to today.

In undertaking a qualitative approach in the form of a critical discourse analysis, I was able to examine sample documents and look for manifestations of colonial power represented through language, policy and the overall direction/purpose of the document. My research has not sought to find the answers to the colonial problem in Canada, but rather to uncover how it is represented in historical and modern government documents. The purpose of the conclusions I have made based on this research is to raise awareness of the colonial power dynamic in Canada and how it continues to affect First Nations Peoples. It is my opinion that only through raised awareness can informed and effective social action be taken to address the negative effects of colonialism that linger in Canada.

The critical discourse analysis approach has allowed me to examine evidence of power relations (Indigenous-state) through a post-colonial lens. As Van Dijk states, "critical discourse analysis (CDA) is a type of discourse analytical research that primarily

studies the way social power abuse, dominance, and inequality are enacted, reproduced, and resisted by text and talk in the social and political context," (2001, p.352). Document analysis, as my particular critical discourse analysis method, is particularly applicable. Bowen illustrates the value of document analysis as a qualitative method, stating that it allows for "intensive studies producing rich descriptions of a single phenomenon, event, organizations, or program," (2009, p.30).

The document sample for my research is the following government documents:

1) Treaty Eight of the Northern Numbered Treaties (1899) – Treaty Eight represents an earlier agreement between First Nations and the Canadian government. An analysis of this document illustrates the early Indigenous-state relationship and how colonial power was manifested at such time.
2) Treaty Nine of the Northern Numbered Treaties (also known as the "James Bay Treaty") (1905) – Treaty Nine is another representation of an early agreement between First Nations and the Canadian government, however it was the first treaty to involve the Provincial government (Ontario) in negotiations. This involvement brings in another level of Indigenous-state relations to be considered as the needs of the state, province, and First Nations were to be considered and represented during negotiations.
3) Nisga'a Final Agreement (2000) – The Nisga'a Agreement represents a modern, comprehensive treaty. The longevity of the claim (over 100 years) and the large land area negotiated for under the agreement make it a land-mark agreement.
4) Indian Act (1876) (also Bill C-31 of 1985) – Any examination of Canada's Indigenous-state relationship must include the Indian Act as the legislation has

been pivotal in the development of relations. The Act has governed the lives of First Nations since 1876 and continues to do so today. An analysis of this Act and the amendments to it illustrate the changing form of colonial power and the colonial relationship between Canada's First Nations and the state.

5) Truth and Reconciliation Commission of Canada: Interim Report (2012) – The Truth and Reconciliation Commission of Canada: Interim Report is a recent document reflecting on historical abuses of power by the state on First Nations Peoples. Through an analysis of this document, one can learn about historical colonial relations through the documentation of the Indian Residential School System, as well as the way the state reflects on the atrocities today.
6) Royal Commission on Aboriginal Peoples (RCAP) (1996) - RCAP captures the historical relationship between First Nations and the Canadian state, and an analysis of it provides a glimpse into suggested government responses to past abuses of colonial power. The analysis of RCAP allows for the examination of the Commission's suggested reconciliation strategies for the Canadian state as well as an overview of the historical colonial power regime and its effects on First Nations People in Canada.

The sample has been chosen strategically as each document involves a different aspect of Indigenous-state relations and each shed light on the manifestations of colonialism. The sample represents agreements, commissions and legislative acts passed following the birth of Canada as a nation (1867). While not part of the research sample, the Royal Proclamation (1763) has also been examined as it pertains to the historical

colonial relationship. The White Paper (1969) is also relevant and has been included as a supporting document for my analysis.

To best organize my findings from the document analysis, I consulted Bowen's (2009) recommendations for the analytic procedure. Bowen states that "document analysis yields data – excerpts, quotations, or entire passages – that are then organised into major themes, categories, and case examples specifically through content analysis," (2009, p. 28). Bowen suggests triangulating data with secondary sources to avoid researcher bias during the analysis (2009). I was able to accomplish this by combining my primary document analysis with secondary sources (e.g. Treaty Research Reports) that discuss the general background information as well as situate the documents, providing information on the purpose of the documents.

Following Bowen's standards for document analysis and as part of my critical discourse analysis of the sample documents, certain criteria and themes have been identified for investigation. A focus on the "Othering" processes evident in the sample documents has guided my analysis. It is through this process in Canadian colonial history that the state's justification for colonial power is located. In my analysis of each sample document, the following themes guided by my theoretical framework of post-colonial and anti-colonial theories, have represented the maintenance of power structures in Canada:

1) Forced Relocation – This will predominantly be represented by the implementation of reserve systems and thus the removal of Indigenous populations off traditional lands and onto much smaller reserves allocated by the government. Forced relocation goes beyond "sharing" the land and

involves the physical confinement of First Nations Peoples away from traditional land masses and onto reserves. The term "forced relocation is the term generally used in the literature. It also represents confinement onto reserves within the boundaries of traditional lands (reserves being a small percentage of traditional lands).

2) Denial of Rights to Land and/or Resources – This will be represented by the limitations set by the Crown regarding Indigenous use of traditional lands and/or resources. This has been found to primarily involve Crown limitations on Indigenous hunting, fishing, trapping, and resource rights (ex. mineral, hydro-electric).
3) Government Aid – This will be represented as the various forms of funding and aid provided to First Nations by the Crown. Examples of government aid include funding for education systems, medical care, or supplies (ammunition, twine, farming tools).
4) Status Issues – This will be represented as the complexity involved in defining who is "Native" and the privileges associated with or denied to those with status. This will predominantly be addressed in the analysis of the Indian Act.
5) Assimilation Policies – This will be represented through the various policy initiatives in Canada that have sought to eliminate Native culture and history through the assimilation into mainstream Canadian society. This will predominantly be addressed in the analysis of the Truth and Reconciliation Commission: Interim Report (2012), and the Royal Commission on Aboriginal Peoples (1996).

The themes were selected on the basis of the most common themes and recurring issues in the literature surrounding colonialism in Canada. The themes listed have been found in the sample documents, through the language used as well as through the specific terms of agreements and action-plan outlines/suggestions. While reading through each document, a coding system was used to search for and identify sections or words within the documents that represent one of the themes identified above. In order to increase the trustworthiness and accuracy of this research, evidence contrary to the traditional/historical colonial power framework has also been found in the sample documents and will be discussed in my thematic analysis section. While designing and conducting this research project, numerous methodological approaches were considered before deciding on a critical document analysis method to answer the research question. Due to the historical nature of the research question and of colonialism in general, it is necessary to examine historical evidence of colonial power and colonialism in Canada. The best way to examine formal evidence of such a broad concept is through a critical discourse analysis of government documents.

While the methodology chosen to conduct this research and answer my research question was the best way to find the answers I was looking for, there are aspects of the research project that I would like to have done differently. Initially, I had included a theme for analysis titled "Sovereignty/Self-Government", which would have incorporated aspects of Indigenous sovereignty included in the government documents analyzed. While all of the themes chosen for analysis are complex and warrant a separate research project devoted to each, issues of Indigenous sovereignty and self-government in Canada are particularly complex. Historical and modern issues of Indigenous self-government could

not be accurately analyzed given the scope of sample documents. I was able to include aspects of self-government and Indigenous sovereignty in other sections; however, in order to conduct a proper analysis of the theme, more documents would have to be analyzed. Given the time frame for this research project, this was simply not possible.

Another drawback for the scope of the documents involved was the limited number of documents included in my analysis. Given the time constraints for this research, there are a number of documents which were not included in my analysis. In order for a full and comprehensive analysis and accurate generalizations with respect to my conclusions regarding colonialism and colonial power manifestations in Canada, a much larger sample would need to be considered. Aside from the limitations on government documents for this research, I would have also liked to include non-government documents in my sample. In consulting secondary sources for this research project, I came across references to the diaries of some of the commissioners involved in past treaty negotiations. An analysis of these supporting documents in conjunction with my analysis of the primary government documents would have provided a more informed discussion on the environment for such treaty negotiations.

Overall, given the time and length limitations on this research project as well as my own personal ontological and epistemological standpoints, the methodology outlined has been successful in providing an accurate analysis of government documents in order to address the research question. The strategically chosen sample and themes for analysis have provided a basis on which to draw researched answers to the research question.

Literature Review

After conceptualizing the key terms and issues involved in the research question, an understanding of the existing theoretical literature is necessary. The post-colonial theorists and their works to be applied to this research question include: Edward Said, Homi Bhabha, Gayatri Chakravorty Spivak, and Frantz Fanon. These authors have all contributed a great deal to the field of post-colonial studies, and the ideas they present must be considered when researching colonialism and the impact of colonial power. The combined theories of the authors listed have formed my theoretical framework for this research project and thus have shaped the entire research process. In conjunction with the theorists forming my theoretical framework are the works of Neu as well as Crosby & Monaghan. The research conducted by these scholars has contributed to my contextual framework for this project. The most relevant theme arising from all of the literature, although they differ in perspective, is the concept of "othering". It is this "othering" that is important and most relevant to an analysis of colonialism and Aboriginal peoples in Canada.

Edward Said's Orientalism

From perhaps one of the most well-known post-colonial theorists, Said's *Orientalism* describes his theory of the colonial relationship in general, through a discussion on the colonization of the Orient by the West (1978). Said describes the paternalistic relationship that exists between the colonizer and the colonized, stemming from the view that the Oriental was "linked thus to elements in Western society (delinquents, the insane, women, the poor) having in common an identity best described as

lamentably alien," (1978, p.207). According to Said, for the West, the Orient was a land full of a savage people who required the help of a civilized nation. The West saw Orientals "not as citizens, or even people, but as problems to be solved or confined, or – as the colonial powers coveted their territory – taken over," (1978, p.207). Said describes the construction of the Oriental as the "Other", encompassing all the characteristics inherently non-Western, (1978).

While Said concentrates his colonial discussion on the experiences of the Orient being colonized by Western society, one can draw clear connections between the theory presented by Said and colonialism in Canada. The First Nations populations in Canada were seen as savages by the European colonizers. The Europeans saw the First Nations as a problem to be solved and a land to be conquered, as claimed by Egan (2011). Brian Egan suggests that this colonial attitude remains evident through modern land claim negotiations and the "certainty" sought by the Canadian government (2011). The certainty Egan speaks about refers to the nature of the state's goals in negotiations; Canada wants to permanently settle claims with Indigenous peoples, essentially putting the past in the past (2011). As suggested by Egan, the Canadian government continues to view the Aboriginal population as the "Indian problem" and as a population requiring support to overcome their "savage" habits (2011).

The process of "Othering" identified by Said in *Orientalism* is evident historically as well as in the present relationship between the Canadian state and First Nations populations in Canada. For the purposes of this research, the paternalistic nature of colonial powers as well as the "Othering" process are both relevant. The theory presented

by Said remains an important consideration in examining manifestations of colonialism in both historical and modern government-Indigenous relations.

Homi Bhabha

Homi Bhabha is another significant contributor to post-colonial theory, offering an assortment of books and essays to the field of study. In researching the works of Homi Bhabha, it was more valuable to consult Childs and Williams (1997), an external source which summarized Bhabha's post-colonial theories and applications. Unlike Said's work, which sums up the colonial relationship and power dynamic in one piece, Bhabha examines various components of the colonial relationship and identities in his various works. The concepts Bhabha introduces (mimicry, hybridity, the Other) do not replace one another as each work is published, but rather build on one another to form a body of post-colonial work, (1997).

Bhabha describes a fixed stereotype of the colonized in his description of the "Other" as unchangeable, known and predictable (Childs & Williams, 1997). Bhabha differs in his examination of the "Other" from Said in that he identifies the "Other" as being associated with a stereotype that is ripe with disorder and anarchy (Bhabha, 1993). This discussion of the "Other" stereotype provides insight into the complex nature of the term in Bhabha's work, in comparison to the very situated "Other" described by Said.

Bhabha's next theoretical concept to be considered with regards to the current research is that of mimicry. "For Bhabha, mimicry is a strategy of colonial power/knowledge emblematic of a desire for an approved, revised Other," (Childs & Williams, 1997, p.129). Childs and Williams also note that it is through mimicry that

"good Natives" and "bad Natives" are identified and the acceptance of those "good enough" is seen at the same time as the exclusion of the "bad Natives", (1997). This concept can be applied to the current research when examining the nature of modern agreements between Indigenous populations and the Canadian state. What is questionable is which agreements or claims are settled and at what cost to Indigenous populations? Those Natives identified as "good" or in other words as assimilated enough into the general Canadian population may be better received by the Canadian government in the negotiation process. The same concept can be applied to historical treaties – those Natives who were "good" and cooperated with the colonizing Europeans (could mimic European behaviour) may have received better treatment than those who appeared more different to the Europeans. Bhabha's insights into the "Other" also offer a perspective to examine the power dynamic present in the historical as well as modern relationship between the colonizer and the colonized.

Gayatri Chakravorty Spivak

Spivak provides a vital contribution to the theoretical literature on post-colonial studies in her piece, *Can the Subaltern Speak?*, originally published in Nelson and Grossberg's book *Marxism and the Interpretation of Culture.* Her analysis is centered around the premise that Western thinkers (and colonizers) export knowledge similar to that of a commodity and subject different cultures to judgment based on "universal" concepts, (1988). According to Spivak, the West's knowledge about the third world and about "Others" is always centered on the political and economical interests of the West itself (1988). This concept can be applied to the post-colonial examination of Indigenous-state agreements as well as state-produced documents, as the interests of the Canadian state will

always be the first priority in negotiations and information production. The interests of the state hinder a meaningful reconciliation process by failing to consider Indigenous epistemologies and goals during negotiations.

Frantz Fanon

Fanon develops what is known as anti-colonial theory, through his account of settler colonialism and examination of how power operates within modern colonial nations. Fanon cites "terror" as being deeply connected to colonial land relationships (1967). This "terror" refers to more than physical encounters between groups, but entails the violence experienced by Indigenous populations at the hands of colonial policies, institutions and value schemes (1967). Fanon examines the social construction and dehumanization of the "Native" as a sort of justification for government control and power over the population (1963).

What can be drawn from Fanon's analysis and applied to the current research question are the various manifestations of colonial power in government acting as "terror" in Indigenous-state relations. The Canadian government's enactment of the Indian Act (1876) is just one example of a colonial power manifestation to be examined with Fanon's "terror" theory in mind. Canada's Indian Residential School System and the Truth and Reconciliation Act also illustrate the theories of Fanon, in particular the concept of "terror".

The question then becomes: how does the Canadian government continue to use "terror" in modern Indigenous-state relations? How does colonial power continue to manifest through the use of "terror"?

Dean Neu

Contributing to the contextual framework of my research is the work of Dean Neu. Research conducted by Neu in 2000 focused on the role of accounting in the colonial relationship between Canada's Indigenous population and the state. Neu's study examined the period between 1830-1860, looking for the role accounting played in the colonial process itself (2000). Neu concluded that the process of colonization involved (and potentially still does – though his research focused on a narrow period of time), the use of accounting practices as justifications for "purchases" and exchanges between the colonizer and the colonized (2000). Neu argues that accounting is a tool of colonization, used by the government to justify the power dynamic and control in place under colonial rule. If the state can convince the Indigenous population involved in an agreement that what is being offered in exchange for land is in fact "fair", then colonial power can continue and settlement on Indigenous lands moves forward.

Dean Neu's study is very relevant as it highlights the tools of colonialism and the power dynamic in place in the colonizing process, however it is narrowly focused in terms of the time period. In his 2003 book, *Accounting for Genocide: Canada's bureaucratic assault on aboriginal people*, Neu and Therrien examine government documents, policies and practices from 1857-2001. Neu and Therrien use the documents examined to argue that "the violence of human action, of one group imposing its will upon another, is intertwined with the violence of bureaucracy," (2003, p.4). The 2003 book expands on the study conducted by Neu from 2000, concluding that government accounting practices continue to act as a violent colonial tool to oppress and assimilate Canada's Indigenous population.

Crosby and Monaghan

Crosby and Monaghan's research examines a specific area and the historical and modern negotiations between First Nations and the Canadian state (2012). Their analysis provides an in-depth look into specific issues facing a particular region with regards to a specific claim to land and resources (2012). This particular type of study traces colonialism and the impact of colonial power on a particular population/region, identifying trends specific to that area (2012). Crosby and Monaghan cite a "logic of elimination," regarding the Canadian state's view of and actions towards the Indigenous population in Barriere Lake, Quebec (2012).

The research conducted by Crosby and Monaghan highlights the experiences of the Algonquins of Barriere Lake (ABL) in negotiating with the Canadian government regarding access to their traditional lands and resources. The authors suggest that the term "settler governmentality" represents the relationship between the Canadian state and Indigenous peoples (2012). While Crosby and Monaghan provide an in depth look into a particular region's experience of colonialism and the ongoing nature of it, my research has examined more of the general trends present in Canadian colonialism historically as well as in modern times.

PART TWO: HISTORICAL RELATIONSHIP

Prior to European contact and settlement in North America, both colonial powers and Indigenous nations had long histories of treaty relationships with local allies (Morin, 2005). While these diplomatic treaty practices differed in form and protocol, they shared common goals for peaceful coexistence. The Royal Commission on Aboriginal Peoples (RCAP) labels this period in the Indigenous-state relationship as "separate worlds," (1996).

Following European contact in Canada (and North America overall), RCAP indicates Indigenous nations and European colonizers engaged in early agreements, "negotiated with both parties' interests in mind and dealing primarily with their protection and well being," (2005, p.19). RCAP labels this stage in the relationship as one of "contract and co-operation," (1996). This period involved Aboriginal populations providing assistance to newcomers in their settlement processes. As RCAP points out, "although there were exceptions, there were many instances of mutual tolerance and respect during this long period," (1996, Vol.1, Ch. 2.2). The nature of the respectful relationship between Indigenous nations and colonizers made for important trade and military alliances.

A vital component of the Indigenous-state relationship, both historically and in modern times, are the many treaty agreements which have been negotiated and signed by both parties. The treaty practice has changed throughout history, shaping the relationship between Indigenous nations and the Canadian state along the way. In his book, *Compact, Contract, Covenant: Aboriginal treaty-making in Canada*, Miller discusses three distinct stages in the history of treaty agreements in Canada (2009). Outlining the historical

importance of treaties in Canada, Miller argues that the shifting purposes for treaty agreements in Canada have affected the outcomes (2009).

The first stage of treaties in Canada is identified by Miller as "commercial compacts," (2009). Miller describes these as being between European entities (such as the Hudson's Bay Company) and Indigenous peoples in Canada, "built on a foundation of indigenous treaty-making," (2009, p.5). These agreements were primarily concerned with trade and commodities in the various regions they existed. Morin (2005), identifies this early stage of treaty-making in Canada as being primarily economic, involving the diplomatic cooperation of both French and British colonists with Indigenous populations.

Miller identifies the second stage of treaty-making in Canada as being about peace, friendship and alliance (2009). These treaties stemmed from the commercial compacts, expanding on the trade clauses to include alliance systems and cooperative relationships (2009). Morin describes this stage of treaty-making in Canada as being primarily about military alliance for the French and British colonists (2005). Morin states that "Aboriginal warriors proved to be essential components for both armies, and in some cases were indispensable, especially for the smaller French forces," (2005, p.23).

The third stage of treaty-making in Canada, Miller identifies as territorial treaties, "governing non-Natives' access to and use of First Nations lands," (2009, p.5). Territorial treaties existed from the 1760s to the 1920s, until resuming again in the 1970s after an approximately 50 year hiatus (2009). The beginning of this third stage of treaty-making in Canada can be said to have been initiated by the Royal Proclamation of 1763. Miller cites the Proclamation as the "single most important document in the history of treaty-making in

Canada," (2009, p. 66). Along with the French cessation of land to British colonists, the Proclamation "formally recognized Aboriginal peoples' title to the land they occupied and established an 'Indian Territory' to the west of the existing colonies," (Morin, 2005, p.25). Officially, the Royal Proclamation established Indigenous title to land in Canada, requiring the British government (and later, the Canadian government) to obtain title through the ceding of the land by Indigenous populations.

While the establishment of Indigenous title to land in Canada was a major step in the colonial relationship, it was not without limitations. As Culhane (1998) points out, land rights in the Royal Proclamation were "limited to *use rights*, like hunting and fishing, that are comparable to perpetual leases rather than to ownership," (p.55). The Proclamation also limits transfer of the land by Indigenous populations to the Crown. Culhane says this clause has caused a debate among historians, some arguing that it was "motivated by humanitarian, paternalistic concern to protect Indians from unscrupulous frontier land speculators," and others that it "reflects a power struggle between the Crown as a state, and corporate and private interests, for monopoly over lands and resources," (1998, p.55). What can be understood for certain is that the clause established the beginning of the modern land and resource struggle between the Crown and Indigenous populations in Canada by establishing a sense of ultimate Crown ownership.

This stage of treaty-making in Canada overlaps with what RCAP identifies as the third stage in the Indigenous-state relationship, "displacement and assimilation", (1996). As described in the report, this stage represents the period in which the colonizers were "no longer willing to respect the distinctiveness of Aboriginal societies," (1996, Vol.1, Ch.2.3). During this period, government intervention in the lives of Indigenous

populations across the country reached its peak (1996). Policies such as the Indian Residential School System, outlawing of Aboriginal cultural practices, and other interventionist measures occurred, seeking to assimilate Indigenous Peoples into what was thought to be mainstream Canadian society.

Also occurring during the third period of treaty-making in Canada was the coming into force of the *Indian Act* (1876). The *Indian Act* was enacted based on policy developed in the nineteenth century, and is the "single most prominent reflection of the distinctive place of Indian peoples within the Canadian federation," (RCAP, 1996, Vol.1, Part 2). The Act regulated (and continues to regulate) nearly every aspect of the lives of First Nations people in Canada. As RCAP summarizes, "today the *Indian Act* is the repository of the struggle between Indian peoples and colonial and later Canadian policy makers for control of Indian peoples' destiny within Canada," (1996, Vol.1, Part 2). A more in depth examination of the Act itself will follow in the document analysis section of this paper.

Miller describes the treaty-making process today as taking somewhat different forms from earlier territorial agreements. The modern Indigenous-state relationship is described by RCAP as one of "negotiation and renewal" (1996). The Commission cites the start of this period as being initiated by the 1969 *White Paper*. Proposed by Trudeau's government, the *White Paper* was described by the government as an attempt to "make Canada a better and more just nation for all citizens," (Turner, 2006, p.12). For Canada's Indigenous population, the *White Paper* was "yet another manifestation of European colonialism...a calculated attempt by the federal government to 'get out of the Indian business' and level the political landscape by unilaterally legislating Indians into extinction," (2006, p.12). Manzano-Munguia describes the *White Paper* as having

"proposed the removal of 'Indians' special status' and the dismantling of the reserve system," (2011, p.413). The *White Paper* initiated a movement involving both Aboriginal and non-Aboriginal people in Canada, into a period of negotiation and renewal (1996). The process has become much more in depth and complicated, resulting in a slowing down of agreements being made, however it also comes with the benefit of a more cooperative and understanding negotiating environment.

In the examination and analysis of the manifestations of colonialism, it has been vital to keep in mind the ever-changing Indigenous-state relationship. As Canada and its Indigenous Peoples moved through history together, the relationship and dynamics of negotiation and policy initiatives have changed as well. The documents analysed in the following section are drawn from the post-confederation period, however the relationship between the colonists and Indigenous populations prior to confederation and the key legislative and territorial agreements from the period must also be kept in mind.

PART THREE: THEMES FROM DOCUMENT ANALYSIS

Forced Relocation

After looking at the various stages in the colonial relationship between the Canadian state and Canada's Indigenous Peoples, it is easy to see the point in time when the process of forced relocation or displacement of Indigenous populations began. As outlined in the RCAP final report, the early stages of the colonial relationship involved notions of peace and friendship and relations of mutual respect and cooperation (1996). The Colonists needed the help of Indigenous Peoples in the early settlement period. The early colonial economy depended on the fur trade, and the safety and security of the British and French colonies depended on their Indigenous allies. However, as time went on and settlement expanded, the importance of the fur trade declined and the reliance on Indigenous military alliances waned. As RCAP states, "soon Aboriginal people were living on the margins of the new colonial economies, treated less and less as nations worthy of consideration in the political councils of the now secure British colonies," (1996, Vol. 1, Part 1, Ch.6.1). Colonial settlement required the lands occupied by Indigenous Peoples for "immigration, trade, travel, mining, lumbering, and such other purposes as to Her Majesty may seem meet," (Treaty Eight, Treaty Nine). The question then became where to put the Natives living on the lands required for such purposes.

RCAP provides a look into the historical reasoning behind reserve systems in Canada, citing processes of "civilization" as the main motivating factor for the Dominion. French colonists had initially set aside tracts of land for their Indigenous allies, with the hopes that a "settled and secure environment would promote the adoption of Christianity," (1996, Vol.1, Part 1, Ch.6.1). When the British sought to "civilize" the Indigenous

Peoples, initially in southern Ontario, they drew upon the methods of the French reserve systems.

The British colonists and later the Dominion of Canada entered into treaties with the Indigenous populations. The Indigenous Peoples agreed to the reserve system and in exchange, agreed to share their traditional lands and resources with newcomers. The term "agreed" is used loosely in this case, as will be discussed further in the analysis of the numbered treaties. The development of reserves and the subsequent forced relocation of Canada's Indigenous populations was undertaken by the Crown for the sole purpose of securing Native lands for settlement and development (RCAP, 1996). Manore (2010) states that according to the Crown, "reserves were 'special categories of land representing the Crown's generosity and fairness to the First Nations," (p.46). In contrast to this, "the Indian nations thought they were conveying their land to the Crown for the limited purpose of authorizing the Crown to 'protect' their lands from incoming settlement," (1996, Vol.1, Part 1, Ch. 6.3).

As a preface to the evidence of forced relocation found in the documents analyzed, some background information on the treaty agreements is necessary. According to Madill's research report (1986), Treaty Eight negotiations were conducted during the summer of 1899 with Cree, Beaver and Chipewyan bands, with subsequent adhesions to the agreement being signed in 1900 and 1914. Upon signing the agreement, Treaty Eight affected 2700 First Nations and 1700 Metis peoples. Being the eighth of the twelve numbered treaties, the terms of the agreement were predominantly based on those found in Treaty Seven (in the prairie region), allowing for some changes reflecting local conditions. The land mass included in the agreement encompasses northern Alberta, north-eastern

British Columbia, north-western Saskatchewan and the southernmost portion of the Northwest Territories (1986). The Canadian government was hesitant to enter into treaty negotiations within the area until it was clear that such land was necessary for settlement purposes. Madill's research report suggests that it was only upon the discovery of valuable resources (minerals and the Klondike gold-rush) that the government opted to engage in treaty negotiations in the region (1986). Madill cites Clifford Sifton (Minister of the Interior for the Wilfred Laurier administration) to illustrate the government's motivation to engage in treaty negotiations in the region (1986, p.9):

> From all appearance there will be a rush of miners and others to the Yukon and the mineral regions of the Peace, Liard and other rivers in Athabasca during the next year…others intend to establish stopping places, trading posts, transportation companies and to take up ranches and homesteads in fertile lands of the Peace River…They (the Indians) will be more easily dealt with not than they would be when their country is overrun with prospectors and valuable mines discovered.

Treaty Nine negotiations were conducted in the summer of 1905 and it is often referred to as the "James Bay Treaty", given its area partially bound by the shore of James Bay. According to the Aboriginal Affairs and Northern Development Canada website and the *Treaty Guide to Treaty No. 9 (1905-1906)*, the agreement was "in response to continuous petitions from the Cree and Ojibwa people of northern Ontario, and in keeping with its policy of paving the way for settlement and development," (www.aadnc-aandc.gc.ca). Morrison's (1986) Research Report for Treaty Nine provides more detail, describing the Indigenous-settler environment prior to the Treaty Nine negotiations. Morrison describes a series of pleas from the Cree and Ojibwa populations to the federal government for assistance through various hardships being faced (economic, medical, political), (1986). Such pleas went ignored by the government, with most of the

responsibility for First Nations in the area being placed on the Hudson Bay Company. It wasn't until mineral development began to spur in the area, that the government sent Indian Department officials to investigate the possibility for treaty negotiations (1986).

Treaty Nine negotiations were the first to involve both the federal and provincial governments in negotiations with First Nations. To avoid any dispute over the boundaries of the ceded and reserve Native territory, the federal government involved Ontario in the negotiations, (Morrison, 1986). The involvement of the government of Ontario meant much lengthier treaty negotiations, however not between First Nations and the state, but rather between the federal and provincial governments (1986).

Evidence of the forced relocation of Canada's Indigenous Peoples can be found in the critical analysis of the original government documents creating reserve systems. Perhaps the easiest way to see such evidence is to look at the opening to the land clauses in both Treaty Eight and Treaty Nine (print in CAPS is exactly as it appears in the original treaty text):

> …Said Indians DO HEREBY CEDE, RELEASE, SURRENDER AND YIELD UP to the Government of the Dominion of Canada, for Her Majesty the Queen and Her successors for ever, all their rights, titles and privileges whatsoever, to the lands included within the following limits.

This clause represents the complete surrender of traditional Indigenous lands to the Crown, quite clearly eliminating all Indigenous claim to the land at the time of surrender and for the rest of all time. Also included on the first page of land clauses in both Treaty Eight and Treaty Nine is a statement indicating the purpose for treaty (for the Crown), making it clear that the land surrendered is strictly for Crown-sponsored development and settlement:

> …It is Her desire to open for settlement, immigration, trade, travel, mining, lumbering and such other purposes as to Her Majesty may seem meet, a tract of country bounded and described as hereinafter mentioned…so that there may be peace and good will between them and Her Majesty's other subjects.

The motivation for the Crown to enter into a treaty agreement with the Indigenous populations in the areas covered by Treaty Eight and Treaty Nine are quite clear based on the above clause that appears in both treaties. The motivations for the Indigenous populations to enter into treaty agreements with the Crown were, however, quite different. Dennis Madill prepared the Treaty Eight Research Report on behalf of the department of Indian and Northern Affairs Canada, and discusses the purpose for entering into treaties (particularly into Treaty Eight, but also more generally into the numbered treaties) for Indigenous peoples. From the Indigenous perspective (1986, p.46):

> They saw the white man's treaty as his way of offering them his help and friendship. They were willing to share their land with him in the manner prescribed by their tradition and culture. The two races would live side by side in the North, embarking on a common future.

After comparing the terms of both Treaty Eight and Treaty Nine concerning the Crown's reasons for entering into an agreement, it is clear that the Crown sought to take control of the land for development and settlement purposes. Since the motivations for Indigenous Peoples to enter into Treaty Eight or Treaty Nine are not included in the Treaty text, the analysis provided in the Treaty Eight Research Report can be used to glean this information. In his analysis of the explanation of the terms "cede, release, surrender, and yield up…all their rights, title and privileges whatsoever, to the lands…" (Treaty Eight & Treaty Nine), Madill suggests that "available documentation has shown that treaty commissioners did not explain properly the implications of the phrase," (1986, p.46).

Furthering this suggestion, Long (2010) argues that inaccurate and incomplete translations of Treaty Nine (and other numbered treaties), resulted in the deception of Indigenous Peoples during negotiations. Long states that Duncan Campbell Scott (a commissioner during Treaty Nine negotiations) "admitted that, even if the words of the written treaty could have been interpreted, the Cree and Ojibwa would never have understood these concepts, so he misled them," (2010, p.333). As Long describes, this deception did not seem to have disturbed Scott, "so long as he convinced the Ojibwa and Cree to sign the all-important written treaty," (2006, p.12). The concepts of reserve lands, and the limitations on Indigenous traditional practices of hunting, fishing and trapping, were new to Indigenous Peoples and thus could not be properly understood upon signing Treaty Eight or Treaty Nine. Madill argues that "the reserve idea is inconsistent with the life of a hunter, and is only applicable to an agricultural country," (1986, p.22). Indigenous Peoples had never encountered a system of land ownership, let alone anything similar to a reserve system (in which the land remained owned by the Crown).

As evident in both Treaty Eight and Treaty Nine, the commissioners state that they managed to convince the Natives through treaty negotiations that reserves were ultimately for their protection and benefit. Treaty Nine includes the clause stating that "…reserves were set apart for them in order that they might have a tract in which they could not be molested, and where no white man would have any claims without the consent of their tribe and of the government". It is important to note that reserve land was calculated and its location decided on by the government commissioners alone (Long, 2006). The commissioner's notes on Treaty Nine state that "no valuable water-powers are included within the allotments," (1905). Treaty Eight reserve lands were established by government

commissioners based on the Klondike gold-rush occurring at the time (Fumoleau, 2004). The Dominion of Canada had tasked the commissioners with establishing reserve lands that would keep Indigenous Peoples at a distance from the rush of miners, prospectors, and settlers flocking to the area (2004). Similarly, in Treaty Nine, commissioner Daniel MacMartin was tasked with the job to "ensure that any reserves provided for in the treaty would not contain sites suitable for industrial, commercial, or agricultural development," (Manore, 2010, p.44). The Indigenous Peoples were therefore, completely left out of all reserve land calculations, and were simply informed of their new land allotments once treaty negotiations had concluded.

While the numbered treaties analyzed illustrate a deceptive and unbalanced negotiation process, resulting in the forced relocation of Indigenous Peoples to reserve lands allotted by government commissioners, the Nisga'a Final Agreement (NFA) (2000) illustrates a dramatically different process. The Nisga'a Final Agreement is the result of a 100-year legal confrontation between the Nisga'a people of western Canada and the Canadian government (Miller, 2009). What sets the NFA land allocation apart from the numbered treaties analysed begins with the involvement of all relevant parties in the negotiation stage. The federal and provincial governments met continuously with the Nisga'a People and representatives for them, in order to come to an agreement on the size and location of land allotments.

The written differences between the treaties are evident simply from a glance at the Table of Contents included in the NFA. Related to reserves alone, the NFA includes specific and detailed sections on definitions and a 32-page section on "Lands" and "Land Title". The NFA outlines the clear boundaries of the newly established Nisga'a territory,

comprising of approximately 1,992 square kilometres of land in the lower Nass Valley (2000). While this land allocation is important due to the nature of negotiations (the Nisga'a were directly involved in the land allotment negotiations), it is important to note the amount of land originally requested by the Nisga'a Nation. The Nisga'a people identified a parcel of land much larger than the 1,992 square kilometres granted as reserve land (Miller, 2009). The reserve land granted in the NFA is approximately 8% of what the Nisga'a People identified as their traditional lands (2009). When this is considered, it is clear that although the treaty negotiation process has changed to become more fair and representative, the outcome of the process remains the same: a mass surrendering of traditional Indigenous lands to the Crown.

Denial of Rights to Land and/or Resources

Often occurring at the same time as forced relocation is the denial of rights to Indigenous land and/or resources. As can be understood from the wording of Treaty Eight and Treaty Nine outlined in the previous section, the Crown sought ownership of Indigenous land to undertake settlement of new immigrants as well as the development of valuable resources. What the treaties do not stress is the importance of land and resources to Indigenous peoples and their identity. RCAP stresses the importance of land and the resources on traditional lands to Indigenous peoples (Volume 2, Part 2, Chapter 4.1):

> Land is absolutely fundamental to Aboriginal identity. We examine how land is reflected in the language, culture and spiritual values of all Aboriginal peoples. Aboriginal concepts of territory, property and tenure, of resource management and ecological knowledge may differ profoundly from those of other Canadians, but they are no less entitled to respect.

Referring to water resources in particular, Statt (2003) stresses that "before contact, Indigenous people in the Treaty Eight area of northern Alberta relied on water and its resources for their cultural, spiritual and physical survival," (p.103). Indigenous peoples had existed on the land since "time immemorial" and had depended on the land for their survival.

Upon colonization and the later Canadian confederation, the British felt they:

> had not only a right but also a *duty* to occupy lands that would otherwise lie idle, and accordingly, that hunter-gatherer societies roaming over their vast lands had to make way for those who would cultivate the soil, (Chamberlain, 2004, p.48).

What is clear is that the colonizing power and the Indigenous peoples occupying the land had very different conceptions of the value and use of the surrounding land and

resources. Indigenous peoples saw the value in the land as representing more than just an open canvas for settlement and resource development. For Indigenous peoples, the land held a cultural and spiritual value that could not simply be bought or transferred over to a colonizing power. For the colonizing power, the land appeared empty, waiting to be cultivated and settled upon. Using traditional European notions of property and ownership, the colonizer took power over Indigenous land and resources the only way it knew how, through treaty.

Long (2010) describes Treaty Eight as "a northern resource development treaty," in comparison to the numbered treaties 1-7 which he describes as "settlement treaties," (p.32). As previously discussed, this sentiment is also brought forward in Madill's Treaty Research Report for Treaty Eight. The treaty text itself also illustrates the problematic nature land and resource rights were in negotiations. Early on in the text of both Treaty Eight and Treaty Nine (1899 & 1905), is a provision stating that the Indigenous peoples:

> …have right to pursue their usual vocations of hunting, trapping and fishing throughout the tract surrendered as heretofore described, subject to such regulations as may from time to time be made the Government of the country…It is further agreed between Her Majesty and Her said Indian subjects that such portions of the reserves and lands above indicated as may at any time be required for public works, buildings, railways, or roads of whatsoever nature may be appropriated for that purpose by Her Majesty's Government of the Dominion of Canada.

Given the clauses surrounding rights to land and resources in the land to be ceded to the Crown as well as the land to be reserved by the Crown for Indigenous peoples, it is quite evident what the intentions of the Crown were during treaty negotiations. In the Treaty Eight text It was noted that, "there was expressed at every point the fear that the making of the treaty would be followed by the curtailment of the hunting and fishing

privileges," (1899). Noted further in the original treaty text, was that fears were quieted when provisions for twine and ammunition were included. "It would be unreasonable to furnish the means of hunting and fishing is laws were to be enacted which would make hunting and fishing so restricted as to render it impossible," (1899).

Madill discusses the importance of maintaining traditional rights to Indigenous land and resources in his Research Report. Madill argues that of all Treaty Eight provisions, those concerning hunting, fishing, and trapping rights were of most significance for the signing First Nations (1986). Madill furthers this argument, stating that according to interviews with First Nations elders (1986, p.49)

> Treaty Eight would not have been signed if the Indians had not been assured that their traditional economy and freedom of movement would be guaranteed. If the treaty commissioners perceived the guarantees of hunting, fishing and trapping as mere temporary privileges to be terminated when settlement of other development occurred, they failed to make that clear during the treaty negotiations.

Shedding some light on the communication issues present in Treaty Eight and Treaty Nine negotiations, Long (2006) explains that the commissioners were ultimately unable to alter any of the treaty clauses. This meant that the commissioners had to explain the clauses to the First Nations present at negotiations in such a way as to obtain their approval without having to engage in further negotiations (2006). The Crown had sent the commissioners to "negotiate" with First Nations in the treaty areas, however had essentially stripped the commissioners of all negotiating power. The commissioners were essentially sent to convince First Nations of the importance of the treaty and all its clauses to their survival and success in Canada, their new nation.

The meaning and structure of negotiations and the agreement that follows has changed drastically over the years. While the intentions of the Crown have not changed (land for settlement and development is the ultimate goal), the methods in obtaining Indigenous lands and resources have significantly changed. Represented in the Nisga'a Final Agreement (NFA), First Nations hold quite different rights to lands and resources as well as rights to the co-management of such land and resources. The NFA has an entire chapter allocated to each of the following issues relating rights to land and resources: lands, land title, forest resources, access, roads and rights of way, fisheries, wildlife and migratory birds, and environmental assessment and protection (2000). As discussed in the previous analysis section, the sheer fact that such a lengthy section of the agreement is allocated to each issue is a huge improvement from the limited details provided in the earlier treaty agreements. However, the analysis must then turn to the content of such a section in order to determine if it is actually an improvement upon older agreements.

To provide a comparison between early agreements and the modern NFA, let us look at Chapter 9 of the Nisga'a Treaty, "Wildlife and Migratory Birds," (2000). The chapter starts off by stating that (2000, p.133):

> Nisga'a citizens have the right to harvest wildlife throughout the Nass Wildlife Area in accordance with this agreement subject to: a) measures that are necessary for conservation; and b) legislation enacted for the purposes of public health or public safety.

The clause continues to state that (2000, p.133):

> The entitlement set out in paragraph 1 is a right to harvest in a manner that: a) is consistent with i. the communal nature of the Nisga'a harvest for domestic purposes, and ii. The traditional seasons of the Nisga'a harvest; and b) does not interfere with other authorized uses of Crown land.

The clauses listed above are merely the beginning of the lengthy chapter outlining the various limitations on the Nisga'a use of wildlife and migratory bird resources on both their reserve as well as Crown lands. The two clauses listed above bear a strong resemblance to the clauses in both Treaty Eight and Treaty Nine stating the limitations of Indigenous use of land and resources. Recall that the hunting, fishing and trapping rights granted to First Nations in both Treaty Eight and Treaty Nine stated that rights would be uninterrupted, "subject to such regulations as may from time to time be made by the Government of the country," (1899 & 1905). The NFA provides a more detailed outline of the limitations on Indigenous rights to land and resources, however both examples boil down to ultimate Crown ownership of lands and resources. Nisga'a are allowed an "allocation" of the resources listed in this section, however their ownership of these resources is not recognized. The jurisdiction over Nisga'a lands and resources is limited to what is provided for in the NFA and to what the Crown dictates in resource management legislation. It seems that simply having definitive sections devoted to each area of concern does not equal more rights being granted to the First Nations peoples involved in treaty negotiations.

Government Aid

Apart from issues of relocation, land and resources, agreements between the Canadian state and Indigenous peoples often involve promises of government aid. This government aid may occur on reserve lands (for example, in the form of medical care being made available), or it may occur for the First Nations population in general (for example, in the form of annuities paid to each band member). As discussed in previous sections, the clauses for government aid in the earlier treaties (8 & 9) were of significant importance for the First Nations involved in negotiations. Government aid was of particular importance in Treaty Nine as the First Nations peoples were in significant need of aid (medical as well as economic) prior to the treaty negotiations. What is interesting about this fact is that Treaty Nine does not include many government aid provisions as it is mainly concerned with land allocations being agreed upon by the federal and provincial governments involved.

Treaty Nine includes an interesting clause stating that "the chief was informed that the government was always ready to assist those actually requiring help, but that the Indians must rely as much as possible upon their own exertions for their support," (1905). What is interesting about this clause is that there is no follow-up section or clarification regarding what "actually requiring help" means. With such a vague and non-descript clause being included in the written agreement, it is only logical to assume that an explanation was given orally to persuade the signatories to agree to the terms. Long (2006) argues just this point, stating that the commissioners loosely explained the provisions included in the written treaty, often expanding on promises of aid in order to convince the First Nations signatories to agree to the treaty's terms.

In a similar fashion, Treaty Eight included provisions for government aid in the form of "assistance in season of distress," (1899). This was expanded to state that aid would be provided in "actual destitution," during which "they would without any special stipulation in the treaty receive such assistance as it was usual to give in order to prevent starvation among Indians in any part of Canada," (1899). Striking similarities between the clauses in Treaty Eight and Nine regarding government aid in cases of "actual destitution" are evident. The Crown does not specify what circumstances would qualify to be such situations, nor what aid would be provided if a case of "actual destitution" arose.

What was clarified in Treaty Eight were some of the limitations of government aid. With regards to medical care and its availability to treaty signatories, the treaty text states that:

> It would be practically impossible for the Government to arrange for regular medical attendance upon Indians so widely scattered over such an extensive territory…supplies of medicines would be put in the charge of persons selected by the Government at different points, and would be distributed free to those of the Indians who might require them.

This clause is yet another example of vague promises of aid made by the government. The clause neglects to provide any details surrounding what medical supplies would be made available and in what locations. What makes another example of vague promises of aid more questionable is the fact that evidence provided in the diaries of treaty commissioners suggests that such clauses were embellished and stretched to convince First Nations peoples to sign over their territory (Long, 2006).

Another form of government aid included in early treaty agreements was in the form of education. Treaty Eight text states that "they seemed desirous of seeking

educational advantages for their children, but stipulated that in the matter of schools there should be no interference with their religious beliefs," (1899). Treaty Nine text includes a statement that "one great advantage the Indians hoped to derive from the treaty was the establishment of schools wherein their children might receive an education," (1905). In an interesting clause included in Treaty Eight as a response to the First Nations desire for government aid for education, the text states that there was "no need for any special stipulation," (1899). The text continues to state that "the law, which was as strong as a treaty, provided for non-interference with the religion of Indians in schools maintained or assisted by the Government," (1899). Further into the agreement and also appearing verbatim in Treaty Nine, Treaty Eight states that "Her Majesty agrees to pay the salaries of such teachers to instruct the children of said Indians as to Her Majesty's Government of Canada may seem advisable," (1899 & 1905).

The clauses included in Treaty Eight and Treaty Nine regarding government aid for education provisions are yet another example of vague promises made by the Crown in an attempt to gain control of Indigenous territory through treaty. It became clear to the commissioners and the Crown staff responsible for researching prior to the production of treaty terms, that the First Nations communities were very concerned with receiving government aid (Long, 2006). With this in mind, the commissioners were able to include vague clauses in the written treaty while expanding on such clauses orally, essentially embellishing on the terms of the treaty, appealing to the desires of the Indigenous communities concerned, in order to have the agreement signed.

In the modern NFA, government aid is provided in a very different fashion. The NFA includes provisions titled "Nisga'a Government" that essentially enable the Nisga'a

Nation to govern aspects of their communities. The government responsibilities given to the Nisga'a are comparable to that given to a municipality within Canada, (Miller, 2009). The Nisga'a agreement was meant to settle the outstanding land dispute in British Columbia, and therefore was less about the Crown manipulating First Nations peoples into signing over territory by using vague promises of aid.

Under the NFA, the federal and provincial governments agreed to capital transfer and loan repayment to the Nisga'a Nation. The Government of Canada is responsible for paying 92.4% and the Government of British Columbia pays the remaining 7.6%, (2000). At the time of the agreement, the amount for capital transfer was 22 million dollars at the effective date, 22 million dollars the following year, 13 million dollars for the second to seventh anniversaries, and the amount for the eighth to fourteenth anniversaries to be determined according to a set formula, (2000). The Nisga'a Nation owed a total of twelve million dollars to the Government of Canada in loans, to be paid in increments of two million dollars per year, (2000).

Given the capital investments provided for the Nisga'a Nation in the NFA, as well as the provisions for self-government, the expectation was that the money paid would provide an education system and other municipal-like systems that meet Nisga'a standards regarding culture and religion. While this arrangement seems to provide both government aid and a level of self-government for the Nisga'a Nation, it is not done so without the constant oversight of the federal and provincial governments. The NFA (2000) outlines the need for the Nisga'a Nation to abide by British Columbia jurisdictional laws and regulations surrounding any governing activity undertaken. The initiatives to be taken by the Nisga'a must first meet the approval of the B.C. government.

It appears that from the examples cited from Treaty Eight, Treaty Nine and the NFA, government aid always comes with a catch. In the early treaties (1899 & 1905) examined, the promises of government aid were vague and were only included in the treaty agreement to appease the First Nations and convince them to sign over large territories to the Crown. What exactly was explained orally to the bands upon signing the treaty is not known, however it is evident from the commissioner diaries examined that embellishments were made in the clarification of specific clauses in the written agreements. In the NFA, government aid was provided to initiate self-governing structures for the Nisga'a Nation, however such structures had to first meet provincial and federal standards. The NFA set up oversight structures for the Nisga'a Nation, with both the federal and provincial governments having a say in the self-government structures set up by the Nisga'a.

What is questionable in terms of all government aid is the motivation behind the aid given to First Nations throughout history. It seems that the government always has something to gain from the aid given to First Nations peoples. Another prime example of this can be seen in the actions of the Crown prior to initiating Treaty Eight and Treaty Nine negotiations. As discussed, particularly in the Treaty Nine area, First Nations peoples were struggling to survive and sought out the help of the Crown (Morrison, 1986). The government was well aware of the struggling Cree and Ojibwa First Nations, and yet waited until the land could be of use to the expanding settlement and development in the area to begin treaty negotiations. The Crown made it clear that its motivations behind entering into Treaty Eight negotiations were due to the Klondike gold rush and the potential conflict between surveyors, miners, and immigrants in the area with the First Nations peoples. Regarding the NFA, a century-long dispute over the Nisga'a traditional

territory in British Columbia, the Canadian government attempted to quash the land claim numerous times (Miller, 2009). The Nisga'a were unable to pursue a treaty with the government of Canada between 1927-1951 as Canadian law (included as an amendment to the Indian Act), made it illegal for Aboriginals to raise money to advance land claims (2009). The Nisga'a pursued their claim through the Canadian courts, resulting in the 1973 *Calder* decision which significantly altered Canada's land claims negotiation policy. From there, it took over 20 years for the claim to be resolved between the Government of Canada, the government of British Columbia, and the Nisga'a Nation. Clearly, there was no rush on behalf of the Crown to resolve the lengthy land claim, or provide aid to the Nisga'a People.

Status

> The rights and interests of non-status Indians are the same as their status Indian brothers. They have the same ancestors, history, cultures and traditions. Instead of seeing ourselves as citizens of our nations, we are labelled, divided and sorted by our gender, age, marital status, family status, race, birth/descent and blood quantum as if we were dogs trying to prove our pedigrees.
>
> (Palmater, 2010)

**Throughout this section, the term "Indian" will be used to describe First Nations and Métis peoples. The term is used in the document under analysis, the Indian Act, and thus is used in conjunction with any discussion of parts of the Act.*

As an active advocate for Native rights in Canada, particularly status rights, Pam Palmater provides a fascinating glimpse into the struggle of Canada's Indigenous populations with their very identity classifications under the colonial government. Palmater cites the McIvor case and states that "registration as an Indian impacts both individual identity and communal membership and therefore stands for more than just access to programs and services," (2010). At the centre of the status debate lies the single most important piece of legislation regarding Canada's Indigenous population, the Indian Act. Prior to the enactment of the Act itself, the Annual Report of the Department of Interior (1876) was released to explain the policy, (Bartlett, 1989, p.2):

> [O]ur Indian legislation generally rests on the principle, that the aborigines are to be kept in a condition of tutelage and treated as wards or children of the State. The soundness of this principle I cannot admit. On the contrary, I am firmly persuaded that the true interests of the aborigines and of the State alike require that every effort should be made to aid the red man in lifting himself out of his condition of tutelage and dependence, and that it is clearly our wisdom and our duty, through education and every other means, to

> prepare him for a higher civilization by encouraging him to assume the privileges and responsibilities of full citizenship.

To say that the enactment of the Indian Act was patriarchal in nature is an understatement. The Act sought to assimilate Canada's Indigenous population into the mainstream populous by creating a set of rules and criteria defining the Indigenous identity and the roles and responsibilities that go with that identity. If the Crown could legally define who was "Indian", they could also define who was not "Indian" and thus who would not be eligible to receive benefits associated with being a "status Indian". The Indian Act gave the Crown immense control over Indigenous identity politics, shaping the Indigenous-state relationship through status.

The Indian Act has been amended numerous times in its 137 year existence. Gilbert argues that "many of these amendments were bold attempts at reducing the aboriginal population of a province of the whole country," (1996, p.12). Historically, the Indian Act has dictated Indigenous entitlement (1996). The entitlement determined by the Act includes that related to treaties, land claim agreements, as well as government aid and benefits. However, as previously mentioned, the entitlement factors of the Indian Act go far beyond programs and services offered to those registered.

The issue of status has been important to the Indigenous-state relationship since the enactment of the Indian Act in 1876. It is at the Crown's discretion who is considered to be a "status" Indian, also referred to as a "registered" Indian. It is also at the Crown's discretion who is not considered "status" or who can lose their "status". In the original Act, up until the 1985 amendments, the Indian Act legislated a variety of ways in which a "status" or registered Indian could lose their status. For example, a registered woman

marrying a man who was not registered under the Act would lose her status (1996). Until 1960, a registered Indian would lose his status upon enfranchisement (1996). If a child was born out of wedlock to a mother with status and a father without, the child did not have status (1996). Clearly, the Indian Act is an attempt to define what it is to be Indian as well as what holding such status entails in terms of roles and responsibilities.

While historical examples of discrimination in the Indian Act are fairly obvious, there remain sections of the Act that require amendments to bring it in line with the *Charter*, the *Canadian Human Rights Act*, and the *Constitution Act*. Palmater discusses the McIvor case and the subsequent amendments made to the Act to address some of the gender-based discrimination present (2010). Palmater also points out that there remain many discriminatory registration provisions still present in the Act to date. Perhaps the most criticised section of the Indian Act which remains discriminatory is the "second generation cut-off rule," (Furi & Wherrett, 2003). This rule "results in the loss of Indian status after two successive generations of parenting by non-Indians," (2003, p.8). According to the research report by Furi and Wherrett (2003, p.8):

> People registered under section 6(2) have fewer rights than those registered under section 6(1), because they cannot pass on status to their child unless the child's other parent is also a registered Indian. One criticism comes from women who, prior to 1985, lost status because of marriages to non-Indian men. These women are able to regain status under section 6(1); however, their children are entitled to registration only under section 6(2). In contrast, the children of Indian men who married non-Indian women, whose registration before 1985 was continues under section 6(1), are able to pass on status if they marry non-Indians.

It is important to note the differences between being registered under section 6(1) and 6(2) of the Act. According to the text of the Act, the ability to pass on status to

children is different for section 6(1) and 6(2), (Indian Act, 1985). A child who gains status under section 6(2) has one status-Indian parent. If that child has a child, they are only able to pass on status to that child if the other parent is also a status Indian (1985). A child born to someone who gained status under section 6(1) is able to pass on status to their child regardless of the status of the other parent. This is just one example cited by Palmater as well as by Furi and Wherrett.

As previously discussed, the government has acknowledged the discrimination present in the Indian Act, through amendments as well as the *White Paper (1969).* The *White Paper* proposed to get rid of the Indian Act altogether, in favour of "equality," a more liberal Indigenous-state framework. The Canadian government framed this proposition as an "equality" measure by arguing that abolishing Indian status in Canada would result in equality for all citizens (Miller, 2009). What was problematic about this proposition was that in creating an equality framework, the federal government was at the same time dismantling and destroying any legal distinguishing features of Indigenous peoples in Canada. Without status, Indigenous peoples would cease to hold any kind of special rights to land, programs, services, and identity. In realizing the nature of this proposition, Canada's Indigenous peoples fought the *White Paper* and ultimately the policy proposal was rejected. Essentially, while acknowledging the fact that the Indian Act has discriminatory features and requires amendments, the *White Paper* and subsequent uproar from First Nations also meant that the Act was still required in some capacity.

RCAP discusses the Indian Act, describing it as a paradox that is pivotal in understanding the Indigenous-state relationship (1996). In its review of the discriminatory nature and various features of the Act itself, RCAP discusses the history of amendments

made to the Act. RCAP concludes that a significant problem with the amendments made to the Act is that they are all done unilaterally by the government (1996). As discussed in the key terms and definitions section, an important aspect of the recognition and reconciliation process is the mutual respect and cooperation of the nations involved. This would mean that in order for the Canadian government to make amendments to the Indian Act to address issues of discrimination, First Nations members would need to be included in this process. In order for recognition and reconciliation to be successful, both groups need to be involved in the process, both a part of the solution.

Assimilation Policy

Often associated with status issues, are the government's numerous efforts to assimilate First Nations people into mainstream Canadian society through policy implementation. Often times, the government would use the term "civilization" in conjunction or instead of "assimilation", as the Crown justified such policies using the patriarchal notion that the Indigenous population required "civilizing" in order to assimilate into the European, settler society. Canadian assimilation policies are evident throughout the historical Indigenous-state relationship, some more obvious than others. The assimilation policies of the Crown continue to affect Indigenous peoples in Canada. In his discussion of the effects of assimilation policy, Thomas Berger (1987, p.13) notes that:

> Native peoples the world over fear that, without political autonomy and land rights, they will be overwhelmed, faced with a future that has no place for the values that they cherish. Native peoples everywhere insist that their culture is the most vital force in their lives; their identity as Natives is the one fixed point in a changing world.

The very nature of assimilation policy threatens to destroy Indigenous culture with an aim to rid the country of Indigenous peoples. In a diverse country like Canada, there is no place for such discriminatory and destructive policy. This section will discuss some of the historical examples of Canadian assimilation policy and the effects of such which are still felt today. The examples discussed are just a few of the many historical assimilation policy initiatives of the Crown.

Perhaps the most notable assimilationist policy implemented in Canada was the Indian Residential School System. Richard Enns describes the school system a "policy of

rapid assimilation that was intended to obliterate Aboriginal cultures within a generation," (2009, p.102). The school system was set up to educate Aboriginal children in agricultural, industrial, and domestic fields with the ultimate goal that Aboriginal children would be "assimilated into the emerging agricultural and commercial economy," (2009, p.102). Essentially, the government sought to eliminate Indigenous peoples within a generation by enacting a forced assimilation policy in the form of a school system. The government had promised education services in several treaties (recall Treaty Eight and Treaty Nine government aid section), and rather than providing schools on reserves, the Crown used residential schools driven by assimilation policy to follow through.

The Truth and Reconciliation Commission (TRC) of Canada provides a history of the Indian Residential School System on its website (www.trc.ca). In total, there were over 130 residential schools in Canada dating back to the 1870s with the last school closing in 1996 (TRC, 2012). The schools were set up to "eliminate parental involvement in the intellectual, cultural, and spiritual development of Aboriginal children," (2012). During this time, more than 150,000 First Nations, Metis, and Inuit children were placed in residential schools, often without the consent of their parents or guardians. The schools did not allow the children to speak their language or engage in any cultural practices (2012). The TRC was established after former residential school students (with the support of the Assembly of First Nations and Inuit organizations), took the government of Canada and the churches responsible for hosting residential schools to court. As part of the settlement in this landmark case, the federal government established the TRC with a $60-million budget over five years.

To understand the purpose of the TRC, the website states that (TRC, 2012):

> The Truth and Reconciliation Commission of Canada has a mandate to learn the truth about what happened in the residential schools and to inform all Canadians about what happened in the schools. The Commission will document the truth of what happened by relying on records held by those who operated and funded the schools, testimony from officials of the institutions that operated the schools, and experiences reported by survivors, their families, communities and anyone personally affected by the residential school experience and its subsequent impacts.

The TRC is both a fact-finding and dissemination system for the injustices suffered through the Canadian government's assimilationist Indian Residential School System. The document analyzed is the Truth and Reconciliation Commission: Interim Report (2012), as it provides a summary of the activities of the TRC since the appointment of the Commission on July 1, 2009.

The Report first stresses the impact of the school system, stating that (2012, p1):

> Because residential schools operated for well more than a century, their impact has been transmitted from grandparents to parents to children. This legacy from one generation to the next has contributed to social problems, poor health, and low educational success rates in Aboriginal communities today.

The Report also stresses the importance of its mandate to inform Canadians about the Indian Residential School System and the impact of the system on Indigenous populations historically as well as currently. "Dialogue now has moved towards engaging Canadians in discussion about the importance and meaning of reconciliation," (2012, p.4). As discussed in the key terms section of this paper, defining and understanding the purpose of meaningful reconciliation is a difficult but important task. To have a federally funded Commission dedicated to such an important task is detrimental to the reconciliation process and is a huge step in the right direction by the government of Canada.

Part of the purpose of the TRC Interim Report (2012) is to begin to inform Canadians of the horrors experienced in the Canadian Indian Residential School System. To illustrate the horrific assimilation policy initiated by the federal government, the report summarizes some of the common experiences cited by those interviewed (survivors, families of survivors, former school staff). The summary describes parents sending children against their will to often very far away schools (hundreds of kilometers away). The children experienced "cold and impersonal receptions," (2012, p.5), where their possessions were seized, hair cut, and bodies deloused with lye or chemicals regardless of whether they had lice. The children had their names changed, sometimes being assigned only a number, and were "treated, as several students said, like they were animals in a herd," through a "frightening, degrading, and humiliating experience," (2012, p.5). At the schools, rotten and ill-prepared food was served and was often in short supply. The cultural practices and spiritual beliefs of Aboriginal ancestors were "belittled and ridiculed," (2012, p.5). Perhaps most shocking are the shared experiences of physical and sexual abuse at the schools as well as reports of "children who died of disease, of children who killed themselves, of mysterious and unexplained deaths," (2012, p.5). Children were punished for speaking their traditional languages, sometimes being forced to beat fellow students as punishment (2012).

The effects of Canada's assimilationist policy of the Indian Residential School System were not only felt by survivors during the time spent at the schools, but also long after their departure. The TRC cites former students stating that "to stay out of trouble, they trained themselves to be silent and invisible," (2012, p.5). The children forced to attend residential schools were stripped of their identity, culture, and dignity, being forced

to endure unspeakable abuse and degradation at the hands of the Canadian government and the church in the name of assimilation. Former students describe the great difficulties experienced upon returning home, including anger towards their parents for sending them away (2012). Former students are described as being "lost souls, unable to move forward, unable to go back," (2012, p.6). In the years following their release from residential schools, former students describe their attempts to "dull the pain of not belonging anywhere," (2012, p.6), by seeking solace in drugs, alcohol and the streets. The atrocities committed in Canadian residential schools, documented in the TRC Interim Report, caused immense and long-term harm to the victims. The harm experienced by victims of the school system continues to this day as upwards of 80,000 former students still alive today continue to deal with the aftermath (2012).

Included in the TRC Interim Report are several recommendations for action by government at both federal and provincial levels. Some of the recommendations of particular significance to this analysis are as follows (2012, p.7-10):

> The Commission recommends that each provincial and territorial government undertake a review of the curriculum materials currently in use in public schools to assess what, if anything, they teach about residential schools.
>
> The Commission recommends that each provincial and territorial government work with the Commission to develop public-education campaigns to inform the general public about the history and impact of residential schools in their respective jurisdiction.
>
> The Commission recommends that the Government of Canada and churches establish an ongoing cultural revival fund designed to fund projects that promote the traditional spiritual, cultural, and linguistic heritages of the Aboriginal peoples of Canada.
>
> The Commission recommends that the Government of Canada develop a program to establish health and wellness centres specializing in trauma and grief counselling and treatment

> appropriate to the cultures and experiences of multi-generational residential school survivors.
>
> The Commission recommends that federal, provincial, and territorial governments, and all parties to the Settlement Agreement, undertake to meet and explore the United Nations Declaration on the Rights of Indigenous Peoples, as a framework for working towards ongoing reconciliation between Aboriginal and non-Aboriginal Canadians.

It is clear through the recommendations made in the TRC Interim Report that there is a pronounced need for public education regarding the assimilationist actions of the Government of Canada (particularly through the Indian Residential School System). The Report also stresses the need for cooperative action between Indigenous peoples and the Government of Canada in order to achieve successful reconciliation. What remains unclear at this time is the government's willingness to comply with all of the recommendations made by the TRC. The Commission will continue its work regarding the Indian Residential School System in Canada until 2014, at which time a final report will be published with an even more detailed account of the Commission's findings, and likely further recommendations for the Government of Canada.

Another example of the Government of Canada's problematic assimilation policy can be found in the Indian Act. The original 1876 Indian Act as well as subsequent amendments to the Act, "included provisions that banned the persistence of cultural practices such as the practice of traditional marriages and other Indigenous rituals," (Manzano-Munguia, 2011, p.415). A particular example was the ban on Potlatch ceremony, which Manzano-Munguia cites the original Act as stating (2011):

> [E]very Indian or person who engages in or assists in celebrating the Indian festival known as "Potlatch" or the Indian dance known as the "Tamanawas," is guilty of a misdemeanour, and liable to

> imprisonment for a term not exceeding six months and not less than two months.

This section of the Indian Act was removed in the 1951 reform as it was labelled "too aggressive" of a policy (2011). Policy such as the example cited in the 1876 Indian Act aimed at assimilation was motivated by the desire of the Crown to eliminate the Indigenous population through a swift integration into mainstream Canadian society. The Crown sought to achieve this by banning traditional cultural and spiritual Indigenous practices as well as mandating Indigenous children enrollment in residential schools. Such aggressive and discriminatory assimilation policy was ultimately unsuccessful in the goal of "assimilation", however did cause significant harm to Canada's Indigenous peoples. Initiatives such as the TRC are attempting to reconcile the harmful effects of the Crown's assimilation policies. Once the TRC is complete and all recommendations are made to the government, it is up to Canada as a nation and its governing bodies to begin the much needed process of recognition and reconciliation.

PART FOUR: CONCLUDING THOUGHTS AND LOOKING TO THE FUTURE

In examining the various historical and modern manifestations of colonialism in Canada, it has become evident that colonial power is still quite present in Canadian government documents and through modern government actions. By conducting an analysis of colonialism in Canada, I have been able to see the changes in colonial power throughout the history of the Canadian government. In early agreements (Treaty Eight and Treaty Nine), colonial power was more noticeable through the language used as well as the actions taken by the government. As time went on, forms of colonial power and the manifestations of that power in government documents and actions have changed significantly.

RCAP divides the historical colonial relationship into stages, suggesting that the most recent stage is one of "negotiation and renewal," (1996). The analysis of government documents through this research has suggested that this stage remains in limbo as colonial power is still present in the Canadian Indigenous-state relationship. This then moves the question towards how we as a nation can move into the next stage of the Indigenous-state relationship.

Several of the government documents analyzed, specifically RCAP and the TRC: Interim Report, made recommendations for actions to be taken by the Canadian government. In an analysis of the RCAP, Hurley and Wherrett cite 440 recommendations which, "called for sweeping changes to the relationship between Aboriginal people and governments in Canada," (1999, p.1). At the time the report was written, none of the major recommendations suggested in RCAP had been implemented (1999). In 2006, the Assembly of First Nations published a "report card" on RCAP. The report outlines

assessments of the RCAP recommendations and the resulting (or not) government actions, concluding that there is a clear lack of action present on the major recommendations suggested in RCAP (Assembly of First Nations, 2006). As for the recommendations made in the TRC: Interim Report, it is too soon to judge the reaction of the Canadian government. The TRC will produce another report in 2014, a concluding report, in which a full assessment and suggestions will be made. Once the government has been given time to react to this final report, further research can be done to assess the state reaction (or lack thereof).

Since it is clear that the Canadian government has not been taking adequate action to move towards a healing of the colonial relationship, into a stage of recognition and reconciliation, perhaps it is up to the people to initiate this movement. The recent grassroots, Idle No More movement sought to do just that – alter the Indigenous-state relationship and move towards a stage of renewal and healing. While events have seemed to die down in recent months, the movement continues and is still seeking to influence policy change and garner support for the movement towards reconciliation. One thing I believe the Idle No More movement was able to accomplish was getting the attention of Canadians nationwide. For the weeks when the movement was at its peak, Canadians were drawn to news stations and events across the country to tune in and hear what the representatives had to say. This is a huge step in the right direction as meaningful recognition and reconciliation requires the attention and support of not only Canada's Indigenous peoples and the state, but also that of Canadians in general. Canada will always be a colonial nation, however we can as a people move into a stage of meaningful

reconciliation and renewal if we acknowledge our colonial past and the lingering manifestations of colonialism in our present.

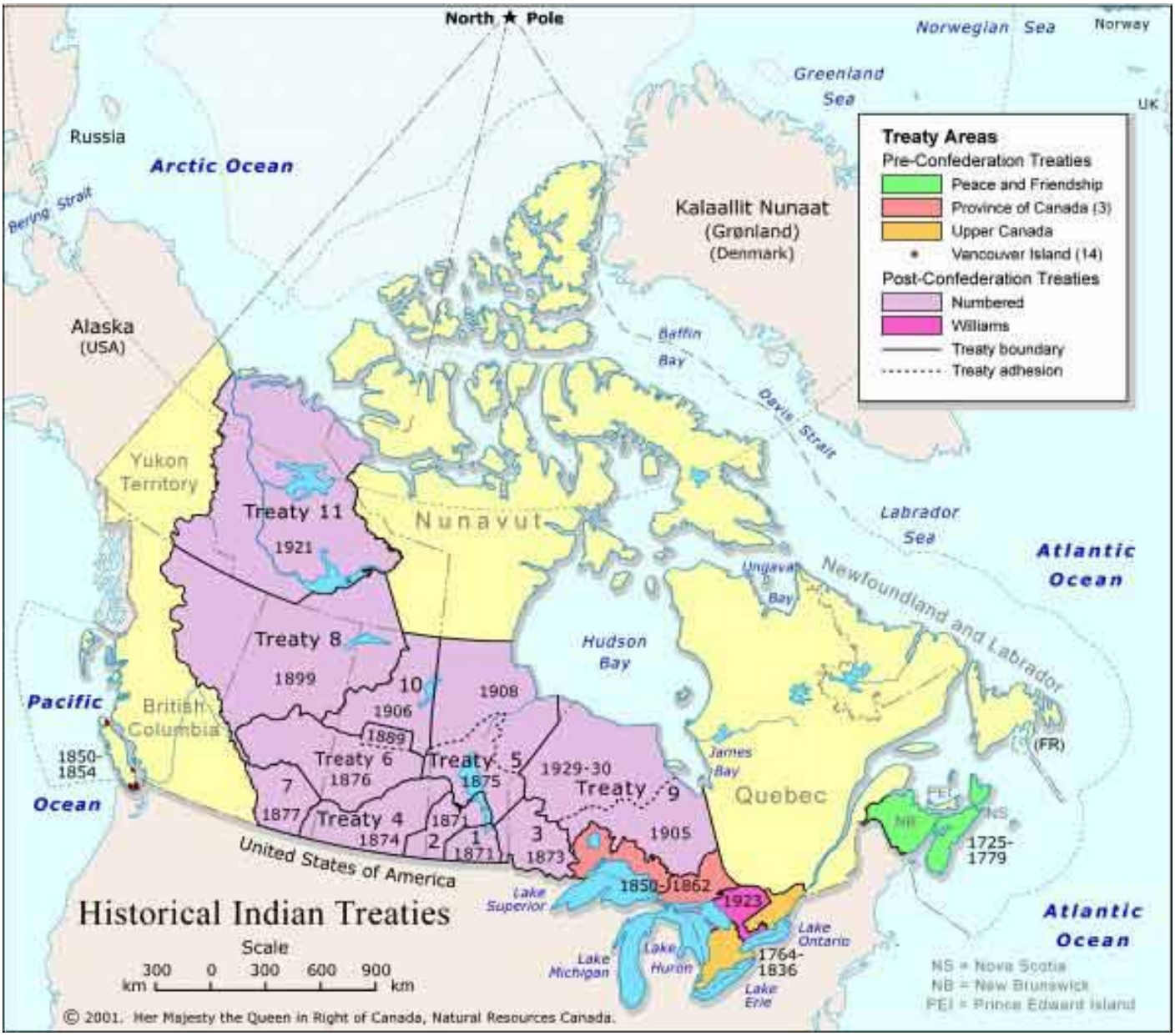
Appendix 1: Researcher Self-Disclosure

In researching Indigenous-state relations in Canada, it is important to note my own subject-position as a white, Canadian female. As Aileen Moreton-Robinson notes, "whiteness established the limits of what can be known about the other through itself, disappearing beyond or behind the limits of this knowledge it creates as the other's name," (2004, p.75). Moreton-Robinson provides an analysis of the pervasiveness of white privilege in the field of Indigenous knowledge and epistemology, as evidenced through the "othering" of Aboriginal Peoples present in the literature. Jelana Porsanger cites Western research on Indigenous populations as having "disempowered Indigenous peoples who have long been used merely as passive objects of Western research," (2004, p.108). Porsanger cites the "othering" of Indigenous peoples through Western research as being a product of the objectification of the Indigenous person through the research process (2004). The "othering" and objectification of Indigenous populations through Western research does not allow for the true understanding of Indigenous epistemologies and thus contributes to the disharmony in Indigenous-state relations.

In my own production of knowledge on Indigenous-state relations in Canada, I have remained cognizant of my subject-position in researching and writing about the Native "other". I have acknowledged biases in my own analysis of government documents as well as those of Aboriginal organizations and advocates. I have framed my analysis as an outsider, attempting to look at the bigger picture of the Indigenous-state relationship in Canada while not being an Indigenous person myself. By remaining objective in my research surrounding Aboriginal epistemologies, colonialism and my analysis of government documents, I have set aside my own positionality as a member of the white,

settler community in order to gain a better understanding of the nature of colonialism in Canada. While I acknowledge that my position as non-Indigenous hinders my ability to personally connect with the research, it serves to enhance my ability to remain objective in my analysis.

Appendix 2: Canadian Historical Treaties Map



Obtained from: http://atlas.nrcan.gc.ca/site/english/maps/reference/national/hist_treaties/

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