



The University of Western Ontario
Indigenous Studies 3722F / Political Science 3398F
First Nations Political and Legal Issues

Fall 2019

Location and Time: TBA

Instructor: Ted Baker

Office Hours: TBA

Email: tbaker9@uwo.ca

Course Description

As recent examples such as the quashing of the Trans Mountain expansion pipeline in the Federal Court of Appeal or the announcement of new legislation and policies under the Recognition and Implementation of Rights Framework have shown, political and legal relations between First Nations and the Canadian government have been rapidly changing. Understanding the complexity of these issues can be daunting, but most of these issues can be drawn back to an important dynamic between indigenous assertions of autonomy, sovereignty, and self-determination, and the Canadian nation-state's constriction, appropriation, prevention, criminalization, and refusal of these assertions. This course will thus explore the political and legal issues First Nations face through the matrix of issues, debates, discourses, histories, theories, practices, policies, institutions, and strategies generated by this relationship. How is self-determination conceptualized, both by indigenous peoples and the wider settler population? How are concepts such as the state, sovereignty, nationhood, citizenship, and jurisdiction understood and experienced by both of these populations? Why is the assertion of self-determination so important for many First Nations and received so negatively by the colonial status quo? What are the key political and legal issues, cases, and events related to these assertions? Why is the notion of "free, prior, and informed consent" so threatening to proponents of resource extraction? What is the relationship between patriarchy and violence against indigenous women and the establishment and maintenance of state sovereignty? What role has intergenerational trauma played in negotiations over establishing self-governance? And last but not least, how is all of this related to the work of decolonization?

Prerequisite(s) : First Nations Studies 2218F/G or 2901E or Anthropology 2218F/G or History 2209E or 2201E or 2205E or the former 2207F/G or Political Science 2103A/B or 2230E or 2234E or the former Political Science 214F/G, or Law 2101 or Women's Studies 2260.

Learning Outcomes

Through this course students will have the opportunity to achieve:

- A greater understanding of key concepts, theories, and institutions that constitute the political and legal issues facing First Nations today.

- An appreciation of how these often abstract concepts and institutions (like self-determination and the state) are constructed, contested, experienced, understood, and put into practice at the local level.
- Refinement of basic skills necessary for developing and conducting research, as well as learning important group work and collective participation skills.
- Further honing of critical thinking, writing, and presentation skills.

Required Text

Manuel, Arthur 2015. *Unsettling Canada: A National Wake-Up Call*. Toronto: Between the Lines.

Method of Evaluation

Discussion Preparation	15%
Participation	15%
Discussion Questions	10%
Research Paper	20%
Decolonization Reflections	20%
Final Exam	20%

Evaluation Breakdown

Discussion Preparation

Every class will have a portion of time devoted to discussing the week's readings. In order to make sure that everyone is prepared for this discussion, every week we will flip a coin at the beginning of class to determine whether or not we have a very short quiz on the week's readings. There must be at least 5 and no more than 8 quizzes throughout the semester, with each worth an equal portion of the 15% allocated for them (so, for example, if there are 5 throughout the semester, each one will be worth 3% of your final mark). If you are going to be away for a class you need to let me know **before class starts** to avoid getting zero on the quiz (assuming one is held).

Participation

Participation will be broken into two parts. The first is general participation. Students are expected to be active participants throughout this course, fostering open dialogue and encouraging fellow students to feel comfortable contributing as well. (10%)

The second part is simply attendance. Show up and you get the marks. If for some reason you cannot make it to class you need to let me know **before class starts** (5%)

Discussion Questions

As mentioned, every class will have a portion of time devoted to discussing the week's readings. The class will be broken into 5-6 groups. Each group will spend 10-15 minutes trying to come up with two thought-provoking questions based on the reading that will then be posed back to the class. Your group will be graded on how thoughtful the questions are, how well they relate to class material, and how well

they elicit a response from the class. The grade will be broken into 2 parts: my evaluation (5%) and a group/self-evaluation (5%).

Research Paper

This will be your chance to tackle what interests you about the political and legal issues facing First Nations peoples today. While what you choose is up to you, I do want you to come and see me about the topic you are choosing before October 8th, to make sure your choice isn't too narrow or too broad. More details will be provided in class.

Decolonization Reflections

This assignment will provide you with the chance to fully explore notions and practices of decolonization. More details will be provided in class as well.

Final Exam

More details to follow.

Important Policies

Policies for Assignment Deadlines:

Students handing in late assignments without proper documentation will lose 5% per day (including weekends).

A Note on Plagiarism:

Students must write their assignments in their own words. Whenever students take an idea from another author, they must acknowledge their debt both by using quotation marks where appropriate and by proper referencing such as footnotes or citations. Plagiarism is a major scholastic offence (the Scholastic Offence Policy can be viewed in the Western Academic Calendar).

Plagiarism Checking:

Students may be required to submit their assignments to turnitin.com on the class WebCT website after they are completed. These papers will be subject to submission for textual originality.

Policy on Laptops and other Electronics/Phones in Class:

Laptops are permitted in class as long as they are used only for note-taking (in other words, no checking facebook or web-surfing during class). Be sure that all cell phones are turned off at the beginning of class.

Policy on Accommodation for Medical Illness:

Western's policy on Accommodation for Medical Illness can be found at

http://www.uwo.ca/univsec/pdf/academic_policies/appeals/accommodation_medical.pdf. Students must see the Academic Counsellor and submit all required documentation in order to be approved for certain accommodation: http://counselling.ssc.uwo.ca/procedures/medical_accommodation.html

Self-Reported Absence:

Students now have the option of submitting a Self-Reported Absence (SRA) form a maximum of two times between September and April and one time between May and August. More details will be forthcoming regarding this policy.

Accessibility Options:

Please contact the course instructor if you require material in an alternate format or if you require any other arrangements to make this course more accessible to you. You may also wish to contact Services for Students with Disabilities (SSD) at 661-2111 x 82147 for any specific question regarding an accommodation. Information regarding accommodation of exams is available on the Registrar's website: http://www.registrar.uwo.ca/examinations/accommodated_exams.html

Scholastic Offences:

Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following web site: http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf

Mental Health:

Students who are in emotional/mental distress should refer to Mental Health@Western (http://www.health.uwo.ca/mental_health/) for a complete list of options of how to obtain help.

Course Schedule and Readings

Week 1: Ground Zero

September 10th

No Reading

Week 2: Nationhood and “the Master’s Tools”

September 17th

Read: Sinclair, Niigaan 2017. Indigenous nationhood can save the world. Here's how.

<https://www.theglobeandmail.com/opinion/recognizing-indigenous-nations-niigaan-sinclair/article36237415/>

Read: Simpson, Leanne Betasamosake 2016. Land & Reconciliation: Having the Right Conversations.

Electric City Magazine. <http://www.electriccitymagazine.ca/2016/01/land-reconciliation/>

Watch: *Colonization Road* <https://watch.cbc.ca/media/firsthand/season-2/colonization-road/38e815a-00b9abca4fc>

Week 3: Sovereignty – Turtle Island meets Leviathan

September 24th

Read: Nadasdy, Paul 2017. Sovereignty's Entailments: First Nation State Formation in the Yukon. University of Toronto Press. Pp. 3-20.

Watch: *Savage Anxieties: The Doctrine of Discovery Part 1*
(<https://www.youtube.com/watch?v=TqJ8h1WCuYg>)

Week 4: Treaty Making – “Linking Arms Together”

October 1st

Read: Venne, Sharon H. 2007. Treaties Made in Good Faith, in *Natives and Settlers Now and Then: Historical Issues and Current Perspectives on Treaties and Land Claims in Canada*, edited by Paul W. DePasquale. Edmonton: University of Alberta Press. Pp. 1-16.

Read: Simpson, Leanne Betasamosake 2013. Politics based on justice, diplomacy based on love: What Indigenous diplomatic traditions can teach us. *Briarpatch Magazine*.
<http://briarpatchmagazine.com/articles/view/politics-based-on-justice-diplomacy-based-on-love>

Read: *Unsettling Canada*: 1-28

Week 5: Jurisdiction, or, “the authority to have authority”

October 8th

Read: Pasternak, Shiri 2017. Grounded Authority: The Algonquins of Barrier Lake Against the State. University of Minnesota Press. Pp. 1-16.

Week 6: White Paper Liberalism and The Constitution Express

October 15th

Watch: *Dancing Around the Table* https://www.nfb.ca/film/dancing_around_the_table_1
https://www.nfb.ca/film/dancing_around_the_table_part_two

Read: *Unsettling Canada*: 29-92

Week 7: Patriarchy and Self-Determination

October 22nd

Documentary (In Class): *Six Miles Deep*

Read: Chiste, Katherine Beaty 1994. "Aboriginal Women and Self-government: Challenging Leviathan." *American Indian Culture and Research Journal* 18(3):19-43.

Read: Simpson, Leanne Betasamosake 2014. Not Murdered, Not Missing: Rebelling against colonial gender violence. <https://www.leannesimpson.ca/writings/not-murdered-not-missing-rebelling-against-colonial-gender-violence>

Week 8: Social Suffering, Intergenerational Trauma, and Self-Determination

October 29th

Documentary (In Class): *Muffins For Granny*

Read: Irlbacher-Fox, Stephanie 2009. Délîné Child and Family Services (Ch. 4), *Finding Dahshaa: Self-Government, Social Suffering, and Aboriginal Policy in Canada*. Pp. 90 – 119.

Week 9: Fall Reading Week - No Class

November 5th

No Reading

Week 10: Resource Extraction

November 12th

Watch: *Water Warriors* (access through Western library online)

Read: Manuel, Kanahus and Shiri Pasternak 2018. We Own It, So Let's Kill It: What To Do About Kinder Morgan In An Era Of "Reconciliation". <https://yellowheadinstitute.org/2018/07/18/we-own-it-so-lets-kill-it-what-to-do-about-kinder-morgan-in-an-era-of-reconciliation/>

Read: *Unsettling Canada*: 93-166

Week 11: Commissions, and Inquiries, and Apologies, Oh My.

November 19th

Read: Waziyatawin 2009. You Can't Un-Ring a Bell: Demonstrating Contrition through Action. In Response, Responsibility, and Renewal: Canada's Truth and Reconciliation Journey. Ottawa: Aboriginal Healing Foundation. 173-80. http://speakingmytruth.ca/downloads/AHFvol2/18_Waziyatawin.pdf

Read: *Unsettling Canada*: 167-194

Week 12: From Resistance to Resurgence

November 26th

Watch: *Kanehsatake: 270 Years of Resistance*

https://www.nfb.ca/film/kanehsatake_270_years_of_resistance

Read: Simpson, Leanne Betasamosake 2017. Nishnaabeg Brilliance as Radical Resurgence Theory. *As We Have Always Done*, University of Minnesota Press. Pp. 11-26.

Read: *Unsettling Canada*: 195-208

Week 13: "Allies" and the Politics of Solidarity

December 3rd

Read: Walia, Harsha 2012. Decolonizing Together: Moving Beyond a Politics of Solidarity Toward a Practice of Decolonization. *Briar Patch Magazine*.

<http://briarpatchmagazine.com/articles/view/decolonizing-together>

Read: *Unsettling Canada*: 209-227

APPENDIX TO UNDERGRADUATE COURSE OUTLINES

DEPARTMENT OF POLITICAL SCIENCE

Prerequisite checking - the student's responsibility

"Unless you have either the requisites for this course or written special permission from your Dean to enroll in it, you may be removed from this course and it will be deleted from your record. This decision may not be appealed. You will receive no adjustment to your fees in the event that you are dropped from a course for failing to have the necessary prerequisites."

Essay course requirements

With the exception of 1000-level courses, most courses in the Department of Political Science are essay courses. Total written assignments (excluding examinations) will be at least 3,000 words in Politics 1020E, at least 5,000 words in a full course numbered 2000 or above, and at least 2,500 words in a half course numbered 2000 or above.

Use of Personal Response Systems ("Clickers")

"Personal Response Systems ("clickers") may be used in some classes. If clickers are to be used in a class, it is the responsibility of the student to ensure that the device is activated and functional. Students must see their instructor if they have any concerns about whether the clicker is malfunctioning.

Students must use only their own clicker. If clicker records are used to compute a portion of the course grade:

- the use of somebody else's clicker in class constitutes a scholastic offence,
- the possession of a clicker belonging to another student will be interpreted as an attempt to commit a scholastic offence."

Security and Confidentiality of Student Work (refer to current *Western Academic Calendar*

<http://www.westerncalendar.uwo.ca/>

"Submitting or Returning Student Assignments, Tests and Exams - All student assignments, tests and exams will be handled in a secure and confidential manner. Particularly in this respect, leaving student work unattended in public areas for pickup is not permitted."

Duplication of work

Undergraduate students who submit similar assignments on closely related topics in two different courses must obtain the consent of both instructors prior to the submission of the assignment. If prior approval is not obtained, each instructor reserves the right not to accept the assignment.

Grade adjustments

In order to ensure that comparable standards are applied in political science courses, the Department may require instructors to adjust final marks to conform to Departmental guidelines.

Academic Offences

"Scholastic offences are taken seriously and students are directed to read the appropriate policy, specifically, the definition of what constitutes a Scholastic Offence, at the following Web site:

http://www.uwo.ca/univsec/pdf/academic_policies/appeals/scholastic_discipline_undergrad.pdf

Submission of Course Requirements

ESSAYS, ASSIGNMENTS, TAKE-HOME EXAMS MUST BE SUBMITTED ACCORDING TO PROCEDURES SPECIFIED BY YOUR INSTRUCTOR (I.E., IN CLASS, DURING OFFICE HOURS, TA'S OFFICE HOURS) OR UNDER THE INSTRUCTOR'S OFFICE DOOR.

THE MAIN OFFICE DOES NOT DATE-STAMP OR ACCEPT ANY OF THE ABOVE.

Attendance Regulations for Examinations

EXAMINATIONS/ATTENDANCE (Sen. Min. Feb.4/49, May 23/58, S.94, S.3538, S.3632, S.04-097) A student is entitled to be examined in courses in which registration is maintained, subject to the following limitations: 1) A student may be debarred from writing the final examination for failure to maintain satisfactory academic standing throughout the year. 2) Any student who, in the opinion of the instructor, is absent too frequently from class or laboratory periods in any course will be reported to the Dean of the Faculty offering the course (after due warning has been given). On the recommendation of the Department concerned, and with the permission of the Dean of that Faculty, the student will be debarred from taking the regular examination in the course. The Dean of the Faculty offering the course will communicate that decision to the Dean of the Faculty of registration.

Medical Policy, Late Assignments, etc.

Students registered in Social Science should refer to

https://counselling.ssc.uwo.ca/procedures/medical_accommodation.html for information on Medical Policy, Term Tests, Final Examinations, Late Assignments, Short Absences, Extended Absences, Documentation and other Academic Concerns. Non-Social Science students should refer to their home faculty's academic counselling office.

University Policy on Cheating and Academic Misconduct

Plagiarism: Students must write their essays and assignments in their own words. Whenever students take an idea, or a passage from another author, they must acknowledge their debt both by using quotation marks where appropriate and by proper referencing such as footnotes or citations. Plagiarism is a major academic offence." (see Scholastic Offence Policy in the Western Academic Calendar).

Plagiarism Checking: "All required papers may be subject to submission for textual similarity review to the commercial plagiarism detection software under license to the University for the detection of plagiarism. All papers submitted for such checking will be included as source documents in the reference database for the purpose of detecting plagiarism of papers subsequently submitted to the system. Use of the service is subject to the licensing agreement, currently between The University of Western Ontario and Turnitin.com (<http://www.turnitin.com>)."

Multiple-choice tests/exams: "Computer-marked multiple-choice tests and/or exams may be subject to submission for similarity review by software that will check for unusual coincidences in answer patterns that may indicate cheating."

Note: Information excerpted and quoted above are Senate regulations from the Handbook of Scholarship and Academic Policy. https://www.uwo.ca/univsec/academic_policies/index.html

PLAGIARISM*

In writing scholarly papers, you must keep firmly in mind the need to avoid plagiarism. Plagiarism is the unacknowledged borrowing of another writer's words or ideas. Different forms of writing require different types of acknowledgement. The following rules pertain to the acknowledgements necessary in academic papers.

A. In using another writer's words, you must both place the words in quotation marks and acknowledge that the words are those of another writer.

You are plagiarizing if you use a sequence of words, a sentence or a paragraph taken from other writers without acknowledging them to be theirs. Acknowledgement is indicated either by (1) mentioning the author and work from which the words are borrowed in the text of your paper; or by (2) placing a footnote number at the end of the quotation in your text, and including a correspondingly numbered footnote at the bottom of the page (or in a separate reference section at the end of your essay). This footnote should indicate author, title of the work, place and date of publication, and page number.

Method (2) given above is usually preferable for academic essays because it provides the reader with more information about your sources and leaves your text uncluttered with parenthetical and tangential references. In either case words taken from another author must be enclosed in quotation marks or set off from your text by single spacing and indentation in such a way that they cannot be mistaken for your own words. Note that you cannot avoid indicating quotation simply by changing a word or phrase in a sentence or paragraph which is not your own.

B. In adopting other writers' ideas, you must acknowledge that they are theirs.

You are plagiarizing if you adopt, summarize, or paraphrase other writers' trains of argument, ideas or sequences of ideas without acknowledging their authorship according to the method of acknowledgement given in 'A' above. Since the words are your own, they need not be enclosed in quotation marks. Be certain, however, that the words you use are entirely your own; where you must use words or phrases from your source, these should be enclosed in quotation marks, as in 'A' above.

Clearly, it is possible for you to formulate arguments or ideas independently of another writer who has expounded the same ideas, and whom you have not read. Where you got your ideas is the important consideration here. Do not be afraid to present an argument or idea without acknowledgement to another writer, if you have arrived at it entirely independently. Acknowledge it if you have derived it from a source outside your own thinking on the subject.

In short, use of acknowledgements and, when necessary, quotation marks is necessary to distinguish clearly between what is yours and what is not. Since the rules have been explained to you, if you fail to make this distinction your instructor very likely will do so for you, and they will be forced to regard your omission as intentional literary theft. Plagiarism is a serious offence which may result in a student's receiving an 'F' in a course or, in extreme cases in their suspension from the University.

*Reprinted by permission of the Department of History

Adopted by the council of the Faculty of Social Science, October, 1970; approved by the Dept. of History August 13, 1991

Accessibility at Western: Please contact poliscie@uwo.ca if you require any information in plain text format, or if any other accommodation can make the course material and/or physical space accessible to you.

SUPPORT SERVICES

- The Registrar's office can be accessed for Student Support Services at www.registrar.uwo.ca
- Student Support Services (including the services provided by the USC listed here) can be reached at: <https://westernusc.ca/your-services/>
- Student Development Services can be reached at: <http://sdc.uwo.ca/>
- Students who are in emotional/mental distress should refer to Mental Health@Western <https://www.uwo.ca/health/> for a complete list of options about how to obtain help.

Procedures for Requesting Academic Consideration

Students who experience an extenuating circumstance (illness, injury, or other extenuating circumstance) sufficiently significant to temporarily render them unable to meet academic requirements may submit a request for academic consideration through the following routes:

Submitting a Self-Reported Absence form provided that the conditions for submission are met;

- For medical absences, submitting a Student Medical Certificate (SMC) signed by a licensed medical or mental health practitioner in order to be eligible for Academic Consideration; or
- For non-medical absences, submitting appropriate documentation (e.g., obituary, police report, accident report, court order, etc.) to Academic Counselling in their Faculty of registration in order to be eligible for academic consideration. Students are encouraged to contact their Academic Counselling unit to clarify what documentation is appropriate.

Students seeking academic consideration:

- are advised to consider carefully the implications of postponing tests or midterm exams or delaying handing in work;
- are encouraged to make appropriate decisions based on their specific circumstances, recognizing that minor ailments (upset stomach) or upsets (argument with a friend) are **not** an appropriate basis for a self-reported absence;
- must communicate with their instructors **no later than 24 hours** after the end of the period covered by either the self-reported absence or SMC, or immediately upon their return following a documented absence.

Academic consideration **is not** normally intended for students who require academic accommodation based on an ongoing physical or mental illness (recurring or chronic) or an existing disability. These students are expected to seek and arrange reasonable accommodations with Student Accessibility Services (SAS) as soon as possible in accordance with the Policy on Academic

Accommodation for Students with Disability.

Students who experience high levels of stress related to academic performance (including completing assignments, taking part in presentations, or writing tests or examinations). These students should access support through Student Health and Wellness and Learning Skills Services in order to deal with this stress in a proactive and constructive manner.

Requests for Academic Consideration Using the Self-Reported Absence Form

Students who experience an unexpected illness or injury or an extenuating circumstance (48 hours or less) that is sufficiently severe to temporarily render them unable to meet academic requirements (e.g., attending lectures or labs, writing tests or midterm exams, completing and submitting assignments, participating in presentations) should self-declare using the **online Self-Reported Absence portal**. This option should be used in situations where the student expects to resume academic responsibilities **within 48 hours or less**.

The following conditions are in place for self-reporting of medical or extenuating circumstances:

Students will be allowed:

- a maximum of two self-reported absences between September and April;
- a maximum of one self-reported absence between May and August.

Any absences in excess of the number designated above, regardless of duration, will require students to present a Student Medical Certificate (SMC) no later than two business days after the date specified for resuming responsibilities.

- The duration of the excused absence will be for a maximum of 48 hours from the time the Self-Reported Absence form is completed through the online portal, or from 8:30 am the following morning if the form is submitted after 4:30 pm;
- The duration of the excused absence will terminate prior to the end of the 48 hour period should the student undertake significant academic responsibilities (write a test, submit a paper) during that time;
- The duration of an excused absence will terminate at 8:30 am on the day following the last day of classes each semester regardless of how many days of absence have elapsed;
- Self-reported absences **will not be** allowed for scheduled final examinations; for midterm examinations scheduled during the December examination period;
- Self-reporting **may not be** used for assessments (e.g. midterm exams, tests, reports, presentations, or essays) worth more than 30% of any given course.
- students must be in touch with their instructors **no later than 24 hours** after the end of the period covered by the Self-Reported Absence form, to clarify how they will be expected to fulfil the academic expectations they may have missed during the absence.

Request for Academic Consideration for a Medical Absence

Students seeking academic consideration for a medical absence not covered by existing Student Accessibility Services (SAS) accommodation, will be required to provide documentation in person to Academic Counselling in their Faculty of registration in the form of a completed, signed Student Medical Certificate (SMC) where the conditions for a Self-Reported Absence have not been met, including where the student has exceeded the maximum number of permissible Self-Reported Absences.

Request for Academic Consideration for a Non-Medical Absence

Students seeking academic consideration for a non-medical absence will be required to provide appropriate documentation to Academic Counselling in their Faculty of registration where the conditions for a Self-Reported Absence have not been met, including where the student has exceeded the maximum number of permissible Self-Reported Absences.