IN SEARCH OF ACCOMMODATION: RESPONSING TO ABORIGINAL NATIONALISM IN CANADA

by

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Abstract

Increasingly, nationalist ideals are being applied by large numbers of politically unrecognized or unsatisfied ethnic communities. The appearance of movements demanding ethnic autonomy in a number of different states worldwide has helped to renew scholarly interest in nationalism. Even in Canada, there was a sharp rise in the political acumen and influence of Aboriginal groups. The resurgence of ethnic nationalism has, indeed, become one of the most striking political developments in recent decades.

As a result of these events, questions are being raised about how the relationships between Aboriginal peoples and Canadian governments and society should be structured. At issue are the challenges that ethnicity and nationalism pose. Yet in spite of a genuine willingness amongst a majority of Canadians to reevaluate their place in Canadian society, Aboriginal nationalist assertions have remained largely understudied by students of nationalism. A new understanding of the roots, goals, and internal particularities of these unique ethnic movements is needed.

From a survey of the scholarly literature of nationalism and Aboriginal peoples in Canada, new conceptualizations of ethnic nationalism must be developed, ones which recognize that not all forms of assertion are destructive and dismembering to the larger political community. If Canadians are to find meaningful ways of accommodating these challenges, then incentives must be found and mechanisms developed to both preserve the wider unity of the state and help facilitate the autonomous development of Aboriginal nationalist communities. Recognizing that there are multiple ways of belonging to Canada and realizing Aboriginal self-government are such forms of accommodation.
# Table of Contents

Abstract ii
Table of Contents iii
Acknowledgment iv

INTRODUCTION 1

CHAPTER 1 ABORIGINAL ASSERTIONS AS NATIONALISM 9

- 1.1 'Nations' and 'Nationalism'? The Search for Lexicographic Accuracy 10
- 1.2 Situating the Rise of Ethno-Nationalism: Canada in the Global Perspective 16
- 1.3 Abandoning the Civic Vs. Ethnic Distinction 19
- 1.4 Of One or the Many? Conceptualizing Pan-Aboriginal And Parochial Forms 23
- 1.5 A Note About Labeling 26
- 1.6 Conclusions 28

CHAPTER 2 DISPELLING THE FEARS: THE ASSIMILATION Vs. AUTONOMY DICHOTOMY 31

- 2.1 Assimilationist Trends in Canada (1867-1969) 33
- 2.2 Autonomy Trends in Canada (1969-present) 37
- 2.3 Aboriginal Autonomy and Liberal Democracy 40
- 2.4 Unraveling the Gordian Knot? 45
- 2.5 Coming to Terms With Autonomy: Conclusions 49

CHAPTER 3 ACCOMMODATING AUTONOMY: EVALUATING ALTERNATIVES 53

- 3.1 Constitutional Recognition 54
- 3.2 Renewed Federalism 59
- 3.3 Aboriginal Self-Government 63
- 3.4 Conclusions 74

A FRAMEWORK FOR CHANGE: OBSERVATIONS AND FINAL CONCLUSIONS 78

Bibliography 83
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— Vancouver, August 1996
“Whenever and however a national identity is forged, once established, it becomes immensely difficult, if not impossible, to eradicate.”
— Walker Connor, in *World Politics* (24)1972, 350-351

INTRODUCTION

A number of scholars have remarked that Canada, like other countries worldwide, is entering a post-national era, an age in which rapid advances in technology, communications, business, and transportation are making attachments to one’s national community increasingly irrelevant. Indeed, a great variety of globalizing forces are challenging the independence of governments and the sovereignty of nation-states. Coupled with changing patterns of immigration and the emergence of a number of prominent supranational organizations such as the European Union and World Trade Organization, membership in one’s national community may in the future be supplanted by participation in the global marketplace.

But against these forecasts, one must also contrast the current proliferation and intensity of ethnic conflicts. In spite of the popularity of post-national discourse, nationalist ideals are still being applied by large numbers of politically unrecognized or unsatisfied ethnic communities that are now using the new technological advancements and channels of communication for nationalist legitimization.\(^1\) The appearance of movements demanding ethnic autonomy (or sometimes outright independence) in Québec, Scotland, Wales,

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Flanders, Brittany, Corsica and Catalonia are only a few of the examples that have renewed scholarly interest in nationalism.²

The resurgence of ethnic nationalism is one of the most striking political developments in recent decades. Not only in Europe, but in almost every other continent, it has manifested itself as a powerful and disruptive force. In Canada after the mid-1960's, there was a sharp rise in the political acumen and influence of Aboriginal groups.³ A diverse number of national, local, and tribal-based organizations had formed to pressure policy-makers to recognize Aboriginal peoples' cultural distinctiveness and inherent right to self government⁴—demands which federal and provincial governments have since struggled to accommodate through constitutional reform proposals and modern treaty agreements. As attempts are made to reconcile ethnic nationalism with the wider unity of the state, new and enduring relationships are being forged which will likely set important international precedents.

There are, however, many normative questions regarding how the relationships between Aboriginal peoples and Canadian governments and society should be structured. At issue are the challenges that ethnicity and nationalism pose. On one hand, there are Canadians who are wary of the political and economic instabilities that can result from the nationalist assertions of sub-national peoples and, as a result, have sought to protect the

³ Throughout this study, I will use the term 'Aboriginal' to refer collectively to all indigenous peoples in Canada, including Inuit, Métis, and Indians.
permanency of the state by incorporating ethnic minorities within existing institutions. While on the other, there are also those who have responded to the recent attention given to Aboriginal issues by supporting Aboriginal peoples in their struggle to gain an independent role in the development of their communities. For these Canadians, self-determination and self-government are 'first steps' in healing centuries of colonial control and cultural destruction. Perhaps what is most remarkable about these two seemingly divergent methods of addressing Aboriginal nationalism is that they share one common goal: a willingness to address the social, economic, and political inequities faced by Aboriginal peoples. Even thirty years ago such issues received scant attention from government officials and the public at-large. Today, there is a genuine willingness amongst a majority of Canadians to reevaluate their place.

But precisely what place Aboriginals should hold and how it should be realized continue to be a source of significant disagreement. Particularly, there are many latent fears of self-determination and self-government and what ramifications these concepts may have on Canadian identity and the national community. As David Hawkes pointedly notes, "few oppose aboriginal peoples from becoming more self-sufficient, and from gaining more control over their lives. ..What is more contentious, however, is the source of these powers."5 Should indigenous populations be accommodated by inherent constitutional guarantees of self government or rather by some form of renewed federal arrangement? Should traditional Aboriginal governments be established or should Aboriginal peoples be

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5 David Hawkes, "Conclusion", in Aboriginal Peoples and Government Responsibility, David Hawkes (ed) (Ottawa: Carleton University Press, 1989), 365.
granted additional responsibilities within central bodies and institutions? Should there be one system of laws for all Canadians or should Aboriginal peoples be granted 'special' rights based upon their ethnic identities or Aboriginality?\(^6\)

There are few straightforward answers to these questions, and even fewer proven cases of how multinational states like Canada have accommodated ethnic forms of nationalism while maintaining the wider unity of the state. In fact, events of the past few decades have now impressed upon even the most casual observers of world politics that ethno-nationalism constitutes a major and growing threat to the political stability of most states. It appears that the intuitive bond felt towards one’s ‘nation’ has proven far more profound and potent than the ties that bind one to larger political communities. The question thus remains whether it is reasonable for Canadians to expect Aboriginal nations to lay aside their ethnic identities and nationalist desires and profess sole allegiance to Canada. As recent world events suggest, perhaps Canadians should recognize that states will rarely contain only one socio-cultural component and that the boundaries of these components cannot forcibly be made to converge with the larger boundaries of the state. A new understanding and appreciation of ethnic nationalism is therefore needed; one which recognizes that the search to accommodate it must immediately begin.

In Canada, there has been much scholarly attention paid to the study of Aboriginal peoples and of nationalism. But surprisingly few works have attempted to integrate these

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\(^6\) It has become practice for many indigenous leaders to distinguish between rights based on ethnicity and on the notion of Aboriginality. In the latter case, Aboriginal rights of this type are not viewed as being ethnically defined. There is, however, significant debate as to whether this is a valid distinction. It is the author’s position that Aboriginal rights are (like Aboriginal nationalist assertions) unmistakably ethnic. Such rights are not necessarily exclusive and destructive.
two prominent subjects. Scholarship has instead focused overwhelmingly on the federal government's ill-administration of Indian affairs. While such analyses are useful, they do not help to situate the experience of Aboriginal peoples in Canada within the wider context of the rise of ethno-nationalism worldwide. In fact, many scholars have ignored exploring Aboriginal political assertions as nationalist ones, perhaps since many Aboriginal nations do not seek the creation of sovereign Native nation-states. In order to better understand this phenomenon, research which focuses specifically on the nationalist orientations of Canada's Aboriginal communities is needed. The analysis which follows intends to make such a contribution.

The findings, conceptualizations, and arguments presented in this study derive not from casual armchair observations, but rather from an extensive scholarly exploration of the literature on the development of Aboriginal nationalist assertions. Unlike other analyses which discuss Aboriginal demands from a supposedly neutral and passive perspective beyond the Aboriginal community, the analysis which follows explores these assertions through an understanding of their indigenous development. From this perspective, one can construct a more accurate typology of the roots and goals of the movement, more effectively rationalize its internal particularities, and better assess which methods of accommodation are best pursued. Such an approach (I believe) is fundamental to any study of Aboriginal peoples and ethno-nationalism.

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7 The historical conception of nationalism is grounded on a rather narrow definition of this complex phenomenon. In particular, historians have often assumed that nationalism led only to the creation of an independent and sovereign nation-state. For a detailed criticism see Anthony Smith, "Nationalism and the Historians", in *International Journal of Comparative Sociology*, v.18 (1990), 58.
To begin this study, I survey existing scholarly perspectives on the rise and development of ethno-nationalism and discuss the negative assumptions often built into the research on this subject — assumptions that may help explain why many scholars in Canada have tended to ignore analyzing Aboriginal political assertions as nationalist ones. From this discussion, a typology is constructed which conceptualizes Aboriginal nationalism as a diverse number of community-based assertions, with each community having its own demands, goals, and political aspirations. The typology helps explain why many Aboriginal nations neither desire the creation of a sovereign Native nation-state, nor seek to dismember Canada. In sum, in Chapter One I explain how Aboriginal assertions are nationalist.

In recognizing the community-based nature of Aboriginal nationalism and the great diversity of sources, expressions and goals of this unique ethnic movement, I discuss in Chapter Two the two methods multinational states like Canada have used to accommodate these challenges. In particular, I explore the relationship between incorporating sub-national communities through the creation of hegemonic state institutions and protecting Aboriginal autonomy through some form of self-governing arrangement. I also highlight many of the popular fears and misconceptions about self-determination and self-government and posit reasons why Canadians should be less fearful of these arrangements. I conclude, however, that each Canadian must find his or her own rationales and incentives for supporting Aboriginal autonomy.

In Chapter Three, I utilize the understanding of Aboriginal nationalism developed in chapters one and two to discuss how the autonomous development of Aboriginal
communities might be protected and what the consequences of this protection might be. In particular, proposals for constitutional amendments, renewed federal arrangements, and self-government are explored as viable means by which Aboriginal peoples can play a more independent role in the development of their national communities.

From the evidence presented in this study, one over-arching conclusion is evident: if Canadians are to find a means of accommodation which respects an inherent Aboriginal right to self-determination and self-government yet preserves the wider unity of the Canadian state, then there needs to be some incentives for Canadians to embrace these arrangements. Threats of separation or secession and the creation of hegemonic state institutions which try to quash national identities under them are not lasting means of building a politically stable multinational federation challenged by ethnic nationalism. Instead, Canadians must come to realize that there is not one but multiple ways of belonging to Canada. A functional and flexible approach for dealing with Aboriginal nationalism is therefore needed.

Ultimately, there are some who will view the study of Aboriginal peoples as part of the ‘gravy train’ that Aboriginal negotiations have engendered, the infamous “Great Game” as analyst Dan Smith describes it. Indeed, the search for solutions to the many problems facing Aboriginal Canada has created an industry for civil servants, politicians, lawyers, and consultants alike. At times, even genuine Aboriginal voices seem silenced by the non-Aboriginal participants of the “Game”. But if one is to gain a better understanding and appreciation of the variety of national communities that make up Canada, further dialogue, debate, and discussion is clearly needed. It must, however, also be recognized that
providing only narrow, pro-Aboriginal analyses of ethnic nationalism will neither add meaningfully to the public debate, nor address the concerns of those Canadians who fear the consequences of Aboriginal autonomy. Although the analysis which follows does reveal a defined political perspective in support of the gains Aboriginal peoples have made, no attempt is made to ‘sell’ self-government. Rather it is hoped that through a fuller understanding and appreciation of Aboriginal nationalist assertions, perhaps Canadians will embrace rather than fear the challenges ethno-nationalism poses.
Although the resurgence of ethnic nationalism is one of the most striking political developments in recent decades, existing Canadian literature on this subject, and particularly on its relationship to Aboriginal political mobilization, is exceeding narrow in scope. In fact, much of the contemporary scholarly literature tends to ignore much of the comparative and theoretical work on this subject. Scholars typically engage in either a general discussion of Aboriginal demands or focus solely on the policy shifts that Canadian governments have pursued or ought to be pursuing. While these approaches are useful, many lack an understanding and appreciation of the unique characteristics of the Aboriginal movement in Canada and of its internal particularities. An analytic treatment which integrates a study of the seminal works on nationalism (such as those by Renan, Smith, Gellner and Hobsbawn) with an analysis of Aboriginal political assertions is needed.

In this chapter, I present neither an exhaustive sociological or anthropological treatment of the origins and genealogy of nations, nor intend to discuss Aboriginal assertions in terms of political opposition to the state. Other scholars have already dealt comprehensively with these subjects. Rather, I utilize existing literature on ethno-nationalism and Aboriginal politics to develop a fuller appreciation of the type, character, and goals of nationalist assertions in Canada. This appreciation is developed through an understanding of the community-level focus of Aboriginal political activity and of the indigenous factors and elements that give rise to the formation of nations and nationalism.
By conceptualizing Aboriginal self-determination from this perspective, one is able to reveal a number of deficiencies in the scholarly literature.

To begin, I explore several definitions of 'nations' and 'nationalism' and identify the two dominant schools of scholarly thought on this subject. To frame this discussion, I situate Aboriginal political assertions in Canada within a global perspective and posit reasons why scholars have dealt only passingly with the relationship between Aboriginal mobilization and the resurgence of ethnic nationalism. In particular, I argue that the traditional scholarly distinction between civic versus ethnic-based claims has led us to make biased judgments about the worth and merit of Aboriginal assertions. In rejecting the civic/ethnic distinction, I also summarize the various factors commonly identified as having contributed to the emergence of nationalism and compare the extent of pan-Aboriginal and parochial bonds. In sum, the evidence presented in this chapter suggests that scholars must broaden their definitions and conceptions of nations and nationalism. Aboriginal assertions, whether they seek complete political sovereignty or not, are no less 'nationalist' than ones by nations wishing the creation of an independent nation-state. All forms of ethnic assertion are deserving of further study.

1.1 'Nations' and 'Nationalism'? The Search for Lexicographic Accuracy

The very concepts of 'nation' and 'nationalism' continue to resist precise definition. As pointedly remarked by John Hutchison and Anthony Smith, there appears to be little scholarly consensus regarding the 'subjective' and 'objective' factors in the definitions of
nations or about the relationship of nations and nationalism to ethnicity on one hand, and to statehood, on the other. Many of the definitions are remarkably elastic, at times even contradictory.

For instance, many scholars have described 'nationalism' as purely a negative concept relating to some pernicious doctrine or fanatic behaviour that generates hatred towards all those who do not belong. Indeed, it would be difficult to deny that nationalism has at times produced deplorable results. The fascist regimes of Europe in the earlier half of this century are noteworthy examples. But negative definitions of nationalism are not particularly useful for the Canadian analyst given that most persons who are considered 'nationalists' in Canada — whether English-speaking, Québécois, immigrant, or Aboriginal — are not committed to an extremist ideology or a form of reckless behaviour. Scholars must therefore be wary of definitions that attempt to prejudge the positive or negative effects of the phenomena.

It thus follows that the best definition will be as precise as possible and avoid making value-loaded judgments about potential consequences of nationalism. Such a definition is developed by Anthony Smith in *Nationalist Movements*. In his analysis, he posits the most concise definition of nationalism: "an ideological movement for the attainment and maintenance of autonomy, cohesion, and individuality for a social group deemed by some of

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1 I am not suggesting that all factors can be easily separated into subjective and objective categories. Rather, I believe that nations are made up of both tangible (objective) and intangible (subjective) elements. See John Hutchinson, Anthony Smith (eds), *Nationalism* (Oxford: Oxford University Press, 1994), 15.

its members to constitute an actual or potential nation.” Smith’s definition does, however, leave one significant question unresolved: what is a ‘nation’?

Unfortunately, the term ‘nation’ remains the most fluid. As understood by many contemporary scholars, it is a rather recent concept that acquired its meaning only two hundred years ago when Rousseau’s model of the social contract was applied to the French revolutionary state. The infamous cry of “Vive la nation” almost instantly became a powerful slogan soon to be reverberated throughout Europe, and later the globe. The significance of the French perspective lies in its statist conception of the nation. For the French, nations are the result of free will, a model of belonging based upon citizenship and equality.

The French conception of the nation has not, however, remained unchallenged. A number of contemporary scholars have since developed several other perspectives on the formation of nations. A century after the French Revolution, for example, Ernest Gellner would reject the statist approach in favour of one which defined the nation as a form of morality. For Gellner, the nation was like “un plébiscite de tous les jours.” The sense of ‘national belonging’ Gellner envisioned involved a solidarity sustained by a distinctive historical consciousness.

As well, other contemporary scholars have (like Gellner) found it fashionable in their intellectual circles to define the nation as either a psychological bond that joins a people and differentiates it from others, or as an imaginary effect of a mere construction of the mind.

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4 See Alan Forrest, the French Revolution (Cambridge: Blackwell, 1995).
Scholars like Benedict Anderson and Walker Connor have, for instance, described the 'nation' as a subconscious conviction whose permanency is in constant flux, formulated and reformulated as social, economic, and political conditions change over time. Later, Karl Deutsch would refashion Anderson's and Connor's definition to more fully explore the evolution of national communities. Deutsch posited that nations were the result of social mobilization and advances in communications.

In light of the lexicographic fluidity of the concept, it is perhaps no surprise that scholars have at times avoided developing a precise definition of 'nation' in their analyses. For many, nationhood merely exists "when a significant number of people in a community consider themselves a nation, or behave as if they [have] formed one." But a somewhat different perspective emerges upon further consideration of the specific factors that national communities often identify as having contributed to their sense of nationhood. Many nations do not exist as mere subjective phenomena, but rather are bound by common habits of living and by shared cultural attributes and historical experiences. Thus, a sound definition of 'nation' must include references to both subjective and objective elements.

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1.1.1 Reconciling Competing Definitions: The Primordialist and Modernist Perspectives

The great debate over what constitutes the correct definition of the 'nation', and to what extent that definition should include subjective and objective elements, is perhaps best captured by Anthony Smith in his discussion of the two dominant schools of scholarly thought on this subject. Smith notes that most literature on the origins and formations of nations 'fits' into one of two categories.

Firstly, there are the primordialists; those scholars who regard the nation and nationalism as a given of social existence and a natural unit of human association. Clifford Geertz, for example, treats psychological ties stemming from a common linguistic, racial, or tribal background as reinforcing fundamental identities. Like Geertz, primordialists view nations and nationalism as perennial and inherent phenomena, irrespective of changes in social, political, or economic conditions over time. In short, it is the primordialist who sees nations and nationalism as natural elements in the fabric of society.

But secondly, notes Smith, there are also grounds for doubting the popular assumption of the naturalness and universality of the nation. Far from being a fundamental or inherent element, there are the modernists who posit that nations and nationalism are recent constructs, the products of strictly modern developments. Benedict Anderson and Ernest Gellner, for example, treat nationalism as the political expression of opposition to autocracy, bureaucracy, capitalism, and other modern Western ways. Unlike the

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10 By 'perennial' I mean that they have some historical record.
primordialists, modernists thus share a belief in the contingency of nationalism and of the modernity of nations.

To the extent that nationalism, as an ideology and a movement, is a phenomenon whose origins can be historically dated, the modernist perspective seems most accurate. Indeed, it was not until the eighteenth century that the idea of populations being divided by 'national characters' and possessing a common identity became widespread amongst the European educated elite. But does such evidence justify the conclusion that nations and nationalism are purely modern constructs? Have not a number of recent scholarly studies on the rise of Aboriginal nationalism in Canada posited somewhat of a divergent perspective? Historical revisionists have, for instance, revealed that early, pre-contact societies possessed many of the elements thought to have contributed to the formation of nations and nationalism. A number of researchers have also demonstrated how indigenous peoples held their own conceptions of nationhood and definitions of national belonging long before modern times. In light of this evidence, the modernist belief in the contingency of nationalism and of the modernity of nations appears somewhat in question. Perhaps, only through a fuller appreciation of how Aboriginal forms of ethno-nationalism have developed

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14 Early historical writers often portrayed Aboriginals as 'primitive' and 'savage' peoples. Ethnocentric biases led some scholars to believe that Aboriginal societies were incapable of nationhood and nationalism, and thus unworthy of study. For a discussion of ethnocentrism, see John H. Bodley, *Victims of Progress, 3rd edition* (Mountain View: Mayfield Publishing, 1990), 11-16.
will clearer evidence in support of either the modernist or primordialist perspective be gleaned.

1.2 Situating The Rise Of Ethno-Nationalism: Canada In The Global Perspective

Events of the past few decades have now impressed upon even the most casual observers of world politics that ethno-nationalism constitutes a major and growing threat to the political stability of most states. Even in spite of the move to establish a number of supra or transnational organizations like the United Nations, European Union, or World Trade Organization, it has become apparent that the intuitive bond felt towards one's 'nation' has proven far more profound and potent than the ties that bind one to the formal and legalistic state structures that make up political communities like Canada. In Third World states such as Ecuador, Colombia, Panama, and the Philippines, large scale ethnic challenges amply testify to the widespread failure of governments to induce a substantial segment of their citizenry to transfer their primary loyalty from the nation to the state. Even industrialized, First World societies like Australia, Canada, Norway, and Sweden have experienced ethnically motivated unrest. Although there are few conclusive explanations for their development, it is noteworthy that the stability of many states has been shaken by indigenous peoples.

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17 There is no one definition of 'indigenous peoples'. An idealized view of their traditional culture might highlight their strong attachments to land, shared opposition to destructive technologies, and sense of belonging to an egalitarian and community-based society. See John Bodley, *Victims of Progress, 3rd edition* (1990), 153-155.
The struggle to reclaim national identity is a preoccupation of many indigenous nations, often consuming their energies and resources for generations. The rise of indigenous nationalism became increasingly manifest during the United Nations-sponsored decolonization period that began in 1960. The decolonization process encouraged large states to disengage colonial control over peoples and territories outside of their traditional boundaries. In this period, colonial Africa and South Asia saw the creation of many new states as indigenous peoples sought self-determination. As a result of decolonization, many indigenous nations became involved in either military "hot wars" or political and economic "cold wars" to reclaim their homelands and national identities.¹⁸

Although often overlooked by scholars of ethno-nationalism, an indigenous "cold war," led by various Aboriginal nations, also developed in North America during the post-1960 period. As part of the extensive decolonization of Great Britain's holdings throughout the world, the British Parliament established the Dominion of Canada in 1867. In a series of parliamentary acts, Canada was granted control of its internal and external affairs as well as of the indigenous populations that resided within its political boundaries.²⁰ Although there were some limited instances in which the rights of Aboriginal peoples were recognized and affirmed (as in the Royal Proclamation, 1763 and in the act that transferred the territory of Rupert's Land to Canada),²⁰ legal and statutory provisions largely overlooked the fact that

the territory called ‘Canada’ was also home to many autonomous Aboriginal communities. British and Canadian officials believed that existing Aboriginal peoples would be assimilated; the grant of ‘special’ rights or privileges would neither be desirable nor necessary. In response, particularly after 1960, Aboriginal peoples mobilized to reclaim their homelands and national identities.

A number of insightful analyses document the history of Aboriginal political mobilization and of Aboriginal-state relations in Canada. For example, Michael Asch describes how federal policy-makers have responded to proposals by Native organizations for self-determination and self-government. Olive Patricia Dickason assesses the consequence of the 1969 White Paper that was to abolish the existing framework of Indian administration. Other scholars, like Paul Tennant, have utilized a case study approach to flesh out the land claims controversy and provincial-level political activism. Some have even attempted to situate the experience of Aboriginal peoples within a much-needed comparative dimension. Much of this scholarly activity has undoubtedly helped to advance our understanding of the issues affecting Aboriginal communities, particularly for ‘Whites’ (like myself) who were educated largely in ignorance of these realities. Nevertheless, it is still surprising that many analysts deal only passingly with the

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21 Michael Asch, *Home and Native Land* (Toronto: Methuen, 1984), particularly chaps. 2, 4-6.
relationship between Aboriginal political mobilization and the resurgence of ethnic nationalism, especially given that nationalism constitutes a major threat to the political stability of most states worldwide.

1.3 Abandoning The Civic Vs. Ethnic Distinction.

There are many possible explanations as to why Aboriginal political mobilization is rarely analyzed from the perspective of ethnic nationalism. As noted previously, there is significant scholarly disagreement over the causes of nationalism, the 'subjective' and 'objective' factors in the definition of nations, and the relationship of nationalism to ethnicity and statehood. In short, the study of nations and nationalism remains shrouded in complexity. As a result, there is only a handful of anthropologists, sociologists, and political economists who have attempted to situate the plight of Aboriginal peoples within a vague discussion of ethno-nationalism.25

Scholarly activity (particularly in Canada) has, instead, been preoccupied with classifying nationalism in Canada into one of two categories: civic or ethnic. The civic type takes its basis from a sense of allegiance to a political system and from the effects of interaction within the system's geo-political boundaries. The civic form is, like the state, a territorially bounded entity. Its sense of boundness, of inclusion and exclusion, is vital to the

definition of its community of citizens. By contrast, the ethnic type of nationalism takes its basis from ties of descent and from the assumption of common origins. In ethnic forms of nationalism, genealogies and patterns of kinship are the 'vital essence'.

While the civic/ethnic distinction is especially relevant to some studies of nationalism, its significance must not be over-emphasized. While one could, for instance, debate the civic versus ethnic character of nationalism in Québec, it would be difficult to deny that (unlike the case of Québec) the Aboriginal form is 'ethnic'. Although one could argue that only contemporary Native leaders have utilized ethnicity as a rallying call for nationalist legitimization, bonds of kinship and of common origin have consistently remained fundamental elements in the formation of Aboriginal national identities. In short, Aboriginal forms of nationalism are predominantly ethnic in character.

Although the civic/ethnic distinction has limited application to the study of the Aboriginal nationalism in Canada, it is important to note that it has served to breed fear and suspicion in the minds of many Canadians. Scholarly emphasis on the exclusionary and destructive nature of ethnic claims has led to the widespread belief that only civic forms of nationalism are inclusionary and rational, while ethnic forms lead to racism and intolerance. It has even been suggested that by recognizing and accommodating ethnically-based nationalist assertions, Canadian policy-makers will be creating a politically correct form of apartheid in Canada. Such statements should serve to remind us of the dangers in

28 Ibid., chap. 2.
29 For the most forthright statement see Richard Gwyn, Nationalism Without Walls: the Unbearable Lightness of Being Canadian (Toronto: McClelland & Stewart, 1995), 5 and 236-239.
attempting to prejudge the positive and negative effects of nationalism. If ethnic claims seek neither to dismember Canada nor to fully challenge the permanency of existing governments, then ‘self-determination’ and ‘self-government’ will have less alarmist implications. As well, the racism and intolerance that all ethnic forms of nationalism supposedly engender might also be mitigated if developed in a spirit of mutual trust and respect for difference. If one is to fully appreciate the source of Aboriginal claims, without making valued-loaded judgments about their worth and merit, one must begin by abandoning the civic/ethnic distinction.

1.3.1 The Roots of Aboriginal Nationalism

Even if one accepts that not all ethnic claims are exclusionary and destructive, one has not come any closer to establishing what factors beyond ethnicity might provide their impetus. Unfortunately, a survey of existing scholarly literature yields even fewer answers. In spite of the abundance of seminal works on this subject, there is still no consensus on the rise of ethno-nationalism. Rather, most works point to an innumerable number of manifest and latent factors that may (or may not) contribute to its emergence. The most frequently cited elements are summarized in Table 1.\(^\text{30}\) Scholars differ, however, as to the importance and significant of any one of these factors.

\(^\text{30}\)This table is neither exhaustive nor in any particular rank order. Factors contributing to the formation of nationalism are discussed by various authors in: John Hutchinson, Anthony Smith (eds), Nationalism (1994), section 2. Also see Anthony Smith, The Ethnic Revival (Cambridge: Cambridge University Press, 1981).
In identifying these factors, one must remember that an explicit causal explanation for Aboriginal nationalism is not being developed. The presence of a community of people with shared historical experiences, cultural attributes, or spiritual beliefs does not necessarily predicate a nationalist assertion. The elements presented in Table 1 may therefore only underscore what is already obvious to many scholars; that is, there is no one factor that explains the rise of Aboriginal nationalism.

But Table 1 also highlights two points that add significantly to our understanding of the Aboriginal experience in Canada. Firstly, if the sources of nationalism are multidimensional, then it follows that ethnic nationalism may not be the exclusionary and destructive force that some scholars would have us believe. Ethnicity may play a dominant role in the nationalist assertions of Aboriginal peoples, but evidence also indicates there are other manifest and latent factors contributing to their development. Secondly, Table 1 also suggests that no two Aboriginal nations will develop the same national identities. Each nation possess its own set of cultural symbols, belief systems, and historical experiences and formulates its own distinctive relationship with the state. As a result, each nation will also develop its own unique national identity and expression of nationalism. Such observations thus remind us of the futility in trying to make broad generalizations about Canada's many Aboriginal nations.

### Table 1

Factors (Beyond Ethnicity) Frequently Cited in the Emergence of Aboriginal Nationalism

Nationalism is the result of:
1. intellectual myth-making;
2. economic forces (domestic or foreign);
3. a desire for cultural protection;
4. shared linguistic attachments;
5. shared religious or spiritual beliefs;
6. shared historical experiences;
7. strong territorial identifications;
8. negative impacts of the State; and,
9. inherent socio-cultural (tribal) differences.
1.4 Of One Or The Many? Conceptualizing Pan-Aboriginal And Parochial Forms

In identifying the numerous factors that contribute to the emergence of nationalism, it may appear puzzling why some scholars posit that a broader, pan-Aboriginal identity has developed. In light of the socio-cultural diversity of Aboriginal nations and of the differing variables contributing to the rise of national assertions (Table I), it seems impossible that a sense of sameness could be created. So how did Aboriginal communities come to have a common awareness and to act in concert? A discussion of the relationship between diverse forms of Aboriginal nationalism, on one hand, and the broader pan-Aboriginal movement, on the other, is needed.

Pan-Aboriginal mobilization in Canada may have occurred as a side-stream effect of colonial political, legal, and economic policies. By defining diverse nations as a single legal category under the Indian Act and by imposing uniform colonial policies and structures like the reserve system upon them, it is possible that successive Canadian governments created a shared experience, circumstance, and condition for all Aboriginals. This sense of sameness is reflected in the political manifestations of Aboriginal nationalism. For example, Menno Boldt notes that by the early 1970’s, there was a proliferation of pan-Aboriginal organizations "all devoted to the purpose of representing and promoting their shared interests and goals, and building collective [political] strength."31 This sense of sameness is also echoed in the labels that Native leaders, scholars, analysts, and policy-makers have used

31 Menno Boldt, Surviving As Indians (Toronto: University of Toronto Press, 1993), 86. For a more general discussion also see Hazel Hertzberg, The Search For American Indian Identity: Modern Pan-Indian Movements (Syracuse: Syracuse University Press, 1971).
to describe indigenous peoples. Generic terms like ‘Aboriginal’ and ‘Indian’ are often used in place of ethnic or tribal labels like ‘Nisga’a’ or ‘Dene’.

While there is evidence that a broader, pan-Aboriginal outlook exists, there are also a number of reasons why Aboriginal people have not become a monolithic group. Firstly, there exists no historical social or cultural community at the pan-Aboriginal level; there is no tradition of large-scale political and cultural cooperation amongst most bands and tribes in Canada. As well, since each Aboriginal nation possesses its own distinctive culture, spiritual beliefs, and set of shared historical experiences and develops its own unique relationship with the state, there can be no one pan-Aboriginal interest. Moreover, many pan-Aboriginal leaders operate at a considerable distance from the ‘grassroots’ constituencies they are supposed to represent. Pan-Aboriginal organizations may have created a national community of political interests, but differences between groups are so substantial that factionalism continues to plague even the most stable pan-Aboriginal organizations. Rather, Aboriginal peoples have remained successful in organizing activity around their specific, community-level national identities.

An appreciation of the saliency of community-level bonds is fundamental to our understanding of Aboriginal nationalism. As Gerald Alfred notes, “there is no doubt that at the community level, each tribe, band, or nation constitutes a political community which is

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33 Here I am specifically referring to Mercredi’s struggle to lead the Assembly of First Nations (AFN). See Ovide Mercredi and Mary Ellen Turpel, In The Rapids: Navigating The Future Of First Nations (Toronto: Viking Press, 1993).
34 Hence, it is for this reason that I refer to Aboriginal nations as ‘nationalist communities’. See page 48.
best thought of in terms of a distinct group." The distinctness of these communities is shaped by the differing factors which have contributed to their unique sense of 'nation' and is reinforced by the many different strategies they have taken towards achieving their goals. What is uncertain, however, is precisely when community-based bonds (of kinship, communalism, ethnicity and the like) were reconstituted into nationalist ones. Nonetheless, conceptualizing each community's struggle in terms of a distinctive nationalist movement, as Alfred has done, is an effective way of understanding what may appear to be a confusing array of tactics, strategies, and goals. They are, however, confusing only to those who fail to recognize the parochial nature of Aboriginal nationalism.

The implications of Alfred's conceptualization are significant. If Aboriginal nationalism develops not at the national level, but at the smaller spatial scale of the community, then there is a larger probability that within a given political space the size of Canada, there will be greater diversity in the forms of nationalist assertion. The intensity of these assertions will differ because of each community's exposure to a different combination of factors contributing to the formation of nationalism (*Table 1*).

Such a dynamic approach to the understanding of Aboriginal nationalism is posited by Alfred in *Heeding the Voices of Our Ancestors*. Alfred's "spectrum of assertion" conveys the nature of differences amongst Aboriginal political goals as well as the implications for the state's ability to accommodate the various forms of nationalism. Particularly, the spectrum highlights the differing degrees to which the community seeks

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36 Ibid., 187.
autonomy from the state. On one pole, there is the "limited degree" characterized by an assertion of powers solely for the preservation of a cultural distinctiveness and the authority to maintain that distinctiveness. On the opposite pole, there is the "extreme degree" characterized by an assertion of state-like powers for national sovereignty. In sum, it becomes evident that by conceptualizing Aboriginal assertions in this manner different Aboriginal nations will each occupy a distinct point along the spectrum. There will be some nations (like the Mohawk) that seek independence as well as others (like the Nisga’a, Sechelt, or Inuit) that are satisfied with a more limited form of autonomy. Differences amongst them are rooted in the parochial nature of Aboriginal national identities and in the unique combination of nation-forming elements that have impacted their communities. Alfred’s model therefore helps to allay the fears that ethnic claims to self-determination and self-government have engendered. His model shows that not all ethnic forms of nationalism are exclusionary and destructive, and thus not all seek to dismember Canada.

1.5 A Note About Labeling

In recognizing that some Aboriginal communities are not committed to complete political independence from Canada, some scholars question whether Aboriginal assertions should be considered examples of nationalism. Scholars have noted that, even though the political demands of many Aboriginal nations develop in response to deeply rooted historical grievances, these demands are often tenuous and negotiable. Indeed, the negotiable nature of these assertions suggests that nationalism is being utilized not to bolster
a common identity which supports the development of new Aboriginal institutions, but rather is merely a tool to realize specific political objectives.\textsuperscript{37} The question therefore remains whether we should consider Aboriginal assertions 'nationalist' if they do not seek the creation a sovereign nation-state.

In responding to this question, I believe that scholars must not allow their definitions and conceptions of nationalism to be so restrictive. If one assumes that the creation of a sovereign nation-state is the natural outcome of assertions by national communities, one is left with a very simplified model of nationalism. This is particularly true of the writings of post-war political theorists, like John Rawls and Ronald Dworkin, who had mistakenly assumed that there was only one socio-cultural structure within a nation-state, and that the boundaries of this socio-cultural group were always coterminous with the boundaries of the political community.\textsuperscript{38} The emergence of a number of nationalist challenges in recent decades has, however, shown that most states in the world are not homogeneous. Many states have been unable to induce a substantial segment of their citizenry to transfer their primary loyalty from the socio-cultural group (the nation) to the larger political community (the state).\textsuperscript{39} In order to avoid secessionist movements, these states have had to adapt their institutional structures to accommodate their diverse sub-national communities. Canada, for example, chose federalism and wedded it to the Westminster form of parliamentary government.

In attempting to accommodate diversity rather than fully eradicate it by force, the Canadian state forged new relationships with its sub-national communities. Although admittedly a large number of these relations developed to the detriment of Aboriginal peoples, not all were damaging. Perhaps, for this reason, not all Aboriginal nations have sought full political sovereignty and the creation of an independent nation-state as the 'solution' to their long-standing grievances. Many nations have, instead, wanted to achieve a form of cultural sovereignty and self-government in cooperation with existing state institutions. Such evidence thus suggests that scholars need to reformulate their conceptions of nationalism in order to better serve the Aboriginal experience in Canada. Nationalist assertions that seek less than full sovereignty should be considered no less 'nationalist' than ones made by nations seeking the creation of a nation-state.

1.6 Conclusions

A survey of the literature on ethno-nationalism and Aboriginal politics reminds us that the boundaries of the political community we call 'Canada' are not conveniently convergent with one shared socio-cultural structure. Like other multinational states, Canada is home to many distinct national communities, with each community possessing its own cultural symbols, spiritual beliefs, and sets of shared historical experiences and each developing its own unique relationships with the dominant state. This diversity is reflected in the formation and assertion of Aboriginal nations. As demonstrated by a fuller appreciation of the type, character, and goals of Aboriginal communities, there is no one
Aboriginal interest. Pan-Aboriginal ties are, indeed, tenuous and elusive. For this reason, previous scholarly conceptualizations of ethno-nationalism need to be refined in order to better serve the Aboriginal experience in Canada. Scholars must not allow their biases to discount ethnic assertions as only exclusionary and destructive phenomena. Rather, as the Aboriginal case illustrates, ethno-nationalism must be conceived as a continuum from which differing national communities seek varied forms of autonomy from the state. A dynamic (rather than a static) understanding of ethno-nationalism in Canada is developed by conceiving of Aboriginal nationalism in such terms — an understanding which recognizes that not all nationalist assertions seek to dismember Canada and fully challenge the permanency of the larger state.

But this survey of the literature on ethno-nationalism and Aboriginal politics has also served to underscore an important point: we can neither regard the formation of nations and nationalism as a given of social existence, a primordial and natural unit of human association, nor can we accept that they are wholly modern phenomena. In adopting the modernist perspective, there is a tendency to view ethnicity (and the demands for self-determination that it has often engendered) as merely instrumental tools to obtain some specific political objective. This is, of course, not to suggest that ethno-nationalism develops only for symbolic purposes. Admittedly, it may be blatantly evident that some forms of nationalism are fabricated, unnatural, and modern. But as illustrated by the preceding analysis, it would be impossible for any scholar to ignore that the Aboriginal conception of nationhood is also the product of deeply rooted attachments to ethnicity, culture, language, history, and tradition. Such evidence reminds us that we should be less
concerned with how forms of ethno-nationalism 'fit' within the modernist and primordialist perspectives and rather that all nations and forms of nationalism — whether modern or primordial, Inuit or Cree, Québécois or Flemish — are deserving of further study by students of nationalism.
CHAPTER 2 DISPELLING THE FEARS: THE ASSIMILATION VS. AUTONOMY DICHOTOMY

One of the greatest challenges that policy-makers in Canada face is how to accommodate meaningfully Aboriginal nationalist assertions while maintaining the wider unity of the state. The challenge is most profound since pan-Aboriginal ties are tenuous and elusive. Rather than one collective Aboriginal interest, there are a host of parochially-based movements, with each having its own demands, goals, and political aspirations. The pressing question that therefore remains is how can multinational states like Canada preserve their overarching political communities without alienating nationalist Aboriginal groups as well as those citizens who hold their primary allegiance to the larger state?

Governments in Canada are trying to respond to the challenges that ethnicity and nationalism pose. On one hand, there have been attempts to create new institutional arrangements to help incorporate Aboriginal peoples within existing state structures. The promotion of Aboriginal participation at First Ministers conferences and in Royal Commissions are such examples. On the other, governments are also supporting the independent and autonomous development of Aboriginal communities. Constitutional proposals to recognize inherent Aboriginal rights and the signing of modern-day treaty agreements by federal and provincial officials are examples in this direction.

1 It remains to be seen whether previous federal commitments to Aboriginal participation at First Ministers conferences will be relinquished. At the June 1996 conference, Aboriginal groups (including the National Assembly of First Nations) were not invited to attend.
2 Here I am referring specifically to the provisions in the 1992 Charlottetown Accord and the signing of the Nunavut and Nisga’a Agreements in Principle.
But while there may be a genuine willingness amongst policy-makers to reevaluate the situation of Aboriginal peoples in Canada, precisely what place Aboriginal peoples should hold and how it should be realized continue to remain a source of significant disagreement, one fueled increasingly by the realization that attempts to induce the transfer of loyalty from the nation to the state have failed generally. Merely launching into a technical discussion of models for self-government thus leaves popular fears about these methods of accommodation unresolved. Before one can begin to summarize and assess the precise methods Canada might use to overcome the challenges that ethnic forms of nationalism pose, one must first evaluate the implications of these proposals by applying the understanding of Aboriginal nationalism developed in Chapter One. In particular, some discussion is needed of how the autonomous development of Aboriginal communities might impact the liberal-democratic principles and political traditions to which most Canadians have grown accustomed. These are topics pursued in this chapter.

To begin, I posit reasons why self-government for Aboriginal peoples is both important and necessary. My position is, however, developed from a discussion of the effects of assimilation on Aboriginal communities and of the fears of self-government. In particular, I contrast the two main policy alternatives states have used to preserve their overarching unity: by incorporating Aboriginal groups into the larger political community through the creation of a common identity supportive of hegemonic state institutions \textit{(assimilation)}, and by promoting cultural sovereignty and facilitating the creation of a political relationship based on limited group independence in co-operation with existing
state institutions (autonomy). Although a detailed evaluation of the precise means by which these alternatives may be realized is not explored in this chapter, the latent and manifest effects of each alternative are discussed in detail, successively.

2.1 Assimilationist Trends in Canada (1867-1969)

"I want to get rid of the Indian problem... Our objective is to continue until there is not a single Indian in Canada that has not been absorbed."³

— Duncan Campbell Scott, 1920.

The notion that Aboriginal peoples constituted a "problem" is a recurring theme throughout Aboriginal policy discourse in Canada. From Confederation to the end of the Second World War, varied attempts were made by policy-makers to find solutions; segregation, wardship, and special legislative protection were the most common measures chosen. Although each of these policies defined the ‘Aboriginal problem’ in a distinctive way, they were all consistent with prevailing public and political opinion about the status of Aboriginal people in Canadian society. Aboriginals were merely dismissed as an inferior and unequal species whose rights could be trampled on with impunity and whose presence served as an impediment to future progress and development.⁴

The policy of assimilation evolved as part of the project to suppress and subordinate Aboriginal peoples. Through assimilation, it was hoped that the socio-cultural

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distinctiveness of Aboriginal communities — those precise characteristics which defined their sense of ‘nation’ — would be supplanted by Euro-Canadian values, norms, and customs. The protection of Aboriginal peoples was, for example, a key component of the assimilationist agenda. Government authorities believed that Aboriginals had to be sheltered from the ill-effects of their own cultural habits as well as from the vices of White society. As a result, laws were enacted that prohibited the consumption of liquor, the private sale of land, and economic transactions with non-Aboriginals without approval from the federal Department of Indian Affairs. To hasten the assimilation process, reserve and band council systems were also introduced to offer Aboriginal communities ‘alternatives’ to the ravages of capitalism, alcohol, and other indigenous practices like the potlatch and sweet grass ceremonies. In sum, throughout most of Canadian history, the forced assimilation of Aboriginal peoples has been the most persistent objective of government officials.5

After 1945, however, the treatment of Canada’s Aboriginal populations came under intense scrutiny. Growing public resentment over the slow pace of directed cultural change within Native communities, increases in the Aboriginal population, and new intellectual trends were amongst the reasons for this reevaluation.6 As well, Aboriginal peoples themselves resented the second-class status prescribed to them in the Indian Act, the key legislative device used by governments to promote wardship and control.7 As a result, after 1945 strategies were discussed to abolish restrictive laws, to disband protective and paternal

5 Menno Boldt, Surviving As Indians (1993), 168-169.
6 J.R. Miller, Skyscrapers Hide the Heavens (1989), 207.
programs, and to integrate Aboriginal peoples into mainstream Canadian society. While for some this reevaluation of government responsibility indicated that pre-1945 assimilationist trends were giving way to the principle of formal equality, the extension of 'equality' and 'full citizenship' to Aboriginals by removing their special status was viewed (particularly by Aboriginal leaders) as a further example of forced assimilation into the dominant structures of the larger state. After all, formal equality was not commensurate with real equality since it overlooked biases inherent in cultural differences and the unequal distribution of power and resources between Aboriginal and non-Aboriginal societies.

The principle of forced assimilation was perhaps given its most forthright expression in 1969 when the Liberal administration of Pierre Elliot Trudeau proposed legislation to restructure the Aboriginal-state relationship. Trudeau’s 1969 White Paper recommended the eventual elimination of all ‘privileges’ for Aboriginal peoples, namely section 91(24) of the Constitution Act, 1867 which vested fiduciary responsibility of “Indians, and Lands reserved for the Indians” in the federal government. The underlying intent of the White Paper was to normalize Aboriginal peoples’ entry into Canadian society as equals. It sought to repeal the Indian Act, terminate federal obligations, allocate reserve resources to individual ownership, devolve Aboriginal services to the provinces, and phase out the Department of Indian Affairs, all in the belief that separate and special aboriginal status was

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11 Formerly called the British North America Act, 1867.
undemocratic and counterproductive to both Aboriginal and non-Aboriginal societies. Thus, the White Paper was possibly the most explicit example of the tactics used by Canadian policy-makers to incorporate Aboriginal groups into the larger political community and to induce the transfer of loyalty to the Canadian state.

In spite of repeated attempts by governments throughout Canadian history to assimilate Aboriginal peoples, there has been an increasing number of Aboriginal nationalist assertions since 1867. As remarked in Chapter One, Aboriginal allegiances to the 'nation' have proven far more profound and potent. But the failure to assimilate Aboriginal peoples must also be viewed in light of the prevailing public and political opinions about their status in Canadian society. Assimilation was widely supported because it was perceived as a workable 'solution' to the 'Indian problem'; one that (particularly in the 1945-1969 period) would not require a recasting of the liberal-democratic principles upon which Canada was founded. If Aboriginals could be successfully assimilated, grants of special rights or privileges would not be needed. Indeed, assimilation may have proven to be a popular means of incorporating Aboriginal communities into mainstream society, but as recent world events have amply testified, the policy has done little to safeguard the larger unity of the Canadian state or the socio-cultural autonomy of Aboriginal communities. In short, assimilation has proven to be an ill-effective means of accommodating Aboriginal nationalism in Canada.
2.2 Autonomy Trends in Canada (1969-present)

The events following the release of the 1969 White Paper marked the beginning of a new stage in the development of Aboriginal policy discourse in Canada. Although many federal policy-makers were deeply committed to the liberal principles of the White Paper, convinced that the conferral of formal equality represented a positive step forward, Aboriginal groups arduously denounced the document as racist and potentially genocidal. The Trudeau administration had not only miscalculated Aboriginal grievances and aspirations, but also ignored the strong nationalist ties that bound Aboriginal communities. The White Paper had offended even those Aboriginal groups seeking only a limited degree of autonomy from the state.

The release of the White Paper provided the key impetus for the political activism of Aboriginal groups post 1969. In an unprecedented display of unity, Aboriginals unanimously rejected any proposed diminution of their formal status and instead favoured political arrangements which recognized their special place as autonomous societies. Proposals which attempted to undermine this position, especially ones that were imposed unilaterally by the central policy structures, would in future be rejected. Later, Aboriginal calls for greater autonomy would also be echoed in a number of precedent-setting legal challenges such as White and Bob (1965), Calder (1973), and Guerin (1984) — cases that

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14 On a tangential note, it should be noted that the White Paper likely furthered the limited development of pan-Aboriginal ties discussed in Chapter One.
would eventually lead to the establishment of pre-existing Aboriginal title as a legal right.\textsuperscript{15}

From these events, political receptivity to Aboriginal assertions improved as new questions were raised regarding the nature of Aboriginal rights and whether such rights could exist apart from Aboriginal title to land. After all, section 35 of the new \textit{Constitution Act, 1982} now recognized and affirmed existing Aboriginal and treaty rights. Events after 1969 were therefore helping to foster a new realization that Aboriginal peoples wanted to play an independent role in the development of their communities.

Perhaps the most celebrated example of this growing political receptivity to Aboriginal assertions was the 1983 release of the Report of the Special Committee on Indian Self-Government (the Penner Report). Established by Parliament in December 1982, the all-party committee was asked to make recommendations in relation to Indian self-government. The result of committee consultation with Aboriginal groups and organizations was a strong conviction that power relationships in the Canadian federation needed to be fundamentally reordered.\textsuperscript{16} Particularly, the Penner Report recommended that band-based Indian governments be recognized as having inherent powers — powers necessary for becoming a new third order of government within Canada.\textsuperscript{17} The Report also emphasized that Aboriginal peoples themselves should, by free choice, determine the form and structure of

\textsuperscript{15} The specific details and significance of these cases are examined extensively elsewhere. In particular, see Paul Tennant, \textit{Aboriginal Peoples and Politics} (1990), 218-226; and Thomas R. Berger, \textit{Fragile Freedoms: Human Rights and Descent in Canada}, Revised and Updated (Toronto: Irwin Publishing, 1982), 237-248.


\textsuperscript{17} Canada, House of Commons, \textit{Minutes of Proceedings of the Special Committee on Indian Self-Government}, Issue No. 40, (Ottawa: October 1983), 44.
their governments and establish their own membership criteria. The conclusions drawn by
the members of the committee thus represented a significant departure from the principles of
the White Paper delivered only fourteen years prior.

After 1969, the old colonially-driven assimilationist policies were abruptly
reevaluated. Autonomy offered Aboriginal peoples the opportunity to play a more
independent role in the development of their communities without having this responsibility
devolved to them by the legislative bodies of the larger state. More significantly, autonomy
also offered Aboriginal peoples entitlement to all the benefits of Canadian citizenship as
well as to some additional benefits added by virtue of their aboriginal rights. Aboriginal
governments could now selectively choose to exempt their peoples from some of the
unwanted constraints of Canadian citizenship, such as the Charter of Rights and Freedoms. In
short, autonomy could offer Aboriginal peoples “citizen-plus” status.

While the concept of “citizen-plus” has resounded powerfully amongst Aboriginal
nations seeking limited or extreme degrees of autonomy from the state, it has left several
unresolved questions in the minds of many Canadians. Specifically, there are fears that
granting extra citizenship rights based on one’s Aboriginal or ethnic descent may violate the
liberal-democratic principles upon which Canada is founded. Would granting rights to
Aboriginal peoples — a group that in 1991 made up only 3.8% of the Canadian population

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18 For a discussion of how the Charter can serve as a constraint on Aboriginal sociétés see Menno Boldt, J.
Anthony Long, “Tribal Philosophies and the Canadian Charter of Rights and Freedoms”, in Ethnic and Racial
Press, 1970), 5-40; and Anne-Marie Mawhiney, Towards Aboriginal Self-Government (New York: Garland
— not undermine principles in the Charter which guarantee all Canadians regardless of race, colour, or ethnic origin fair and equal treatment as individuals? Should there not be one law for all Canadians, regardless of whether one is also a member of a minority group or not? Some discussion of these questions are needed before any further discussion of autonomy can be pursued.

2.3 Aboriginal Autonomy and Liberal Democracy

A historical survey of the ways in which governments have responded to Aboriginal nationalism might suggest that political theories or systems of ideas in terms of which political action is directed are of little importance. Certainly not all conflicts are ideological as many occur between those who share the same political principles. Nevertheless, many of the objections raised regarding the recognition of Aboriginal autonomy operate against the background of an ample ideological consensus in support of liberal-democracy\(^\text{21}\)— a political ideology which has at times been challenged by spokespersons at the extremes of the political spectrum but which remains a salient part of Canadian political life.

As some astute students of nationalism have observed, Aboriginal autonomy poses a threat to the two main tenants of liberalism: freedom and equality. After all, it is these principles which supposedly offer a neutral ground on which people of all cultures can meet and coexist, regardless of one's particular ethnic identity.\(^\text{22}\) For many Canadians, the commitment to freedom and equality embodied in Liberalism is given its most forthright


expression in the *Canadian Charter of Rights and Freedoms*; a document which has become, since its entrenchment in 1982, a “pillar” of the national political consciousness.\textsuperscript{23}

As a result, there would be profound implications if Aboriginal peoples were guaranteed some form of group autonomy and independence from the liberal-democratic traditions of non-Aboriginal society. Namely, it could spur a political crisis and perhaps lead to the further weakening of national unity. If Canadians are therefore to find feasible incentives to accommodate the nationalist assertions of Aboriginal communities – solutions that do not require a fundamental reworking of the Canadian political system – then some attempt must be made to preserve the wider unity of the state and the existing liberal-democratic principles upon which the country was founded.

Attempts have been made, mainly in academic circles, to reconcile ethnic-nationalism with liberal democracy. For instance, in *Liberalism, Community, and Culture*, Will Kymlicka argues that accommodating minority nationalities is necessary for cultural protection and the future well-being of the individuals within these communities. According to Kymlicka, liberals posit that they should be free to accept or reject particular options presented to them, so that the beliefs they continue to hold are ones that they have chose to accept.\textsuperscript{24} But in deciding how to lead their lives, liberals also examine “definite ideals and forms of life that have been developed and tested by innumerable individuals, sometimes for

\textsuperscript{23} Or as one famous student of the Constitution described it, the Charter “brings the citizenry into the constitutional order.” See Alain Cairns, “Citizens (Outsiders) and Government (Insiders) in Constitution-Making: The Case of Meech Lake”, in *Canadian Public Policy*, v. 14 (1988), 121-145

\textsuperscript{24} Kymlicka’s analysis does not, however, discuss Aboriginal communities that may hold liberal beliefs that they have not willingly chosen to accept. Communities of this type may support liberal principles for purely instrumental purposes in order to sustain a specific political relationship or achieve a particular political objective.
As a result, argues Kymlicka, one's range of options is determined in part by one's cultural heritage. From this perspective, liberals should therefore not be antagonistic towards the recognition of minority cultural structures — such as those supported by various Aboriginal communities — because it is only through having a rich and secure cultural community that people become aware of their identity and the options available to them, and can intelligently examine their value. A priority of liberal-democratic states like Canada should be to promote and protect cultural membership as a "universal need".

Kymlicka's conceptualization is useful because it provides a new liberal interpretation of community and culture that is less antagonistic to minority nationalities, one that may help to allay fears of Aboriginal autonomy. But his analysis also fails to define what limits there should be on the promotion of cultural membership and when such promotion is in opposition to the liberal commitment of treating all individuals as equals. Kymlicka merely leaves these questions open to further study. As well, Kymlicka also over-emphasizes cultural protection as the key rationale for facilitating Aboriginal autonomy. Few could deny that the creation of a political relationship based on group independence rather than forced assimilation will assist Aboriginal communities in promoting indigenous cultural development. But in a rapidly changing world where global barriers to communication, trade, and transportation are consistently broken, it must also be

realized that all cultures are being transformed and reinterpreted. This is, of course, not to suggest that the permeability of culture provides a rationale for denying Aboriginal autonomy. Rather, such permeability makes the political recognition of cultural diversity more problematic. For this reason, cultural protection should only one of many rationales for accommodating Aboriginal autonomy.

2.3.1 Rationales Other Than Cultural Protection For Accommodating Autonomy

While rapid advances in technology, communications, business, and transportation are making cultural isolation impossible and are challenging the sovereignty of states worldwide, attachments to one’s ‘nation’ still remain strong. Attempts to transfer this loyalty to the state by forcibly assimilating Aboriginal communities into existing institutional structures (as proposed in the 1969 White Paper) have led to increased ethnic hostility, political instability, and further interest in extreme degrees of autonomy. Such evidence would suggest that if an overarching sense of unity is to be maintained within multinational states like Canada, each Aboriginal community will have to develop its own social, political, and economic tools to manage the effects of globalization as well as ensure that these trends do not threaten the cultural well-being of individuals within their communities. Moreover, the tools for managing globalization could also be utilized to ensure that allegiance to the Canadian national community is made less intrusive on Aboriginal societies.
The impacts of globalization on Aboriginal communities and the importance of finding tools to manage its effects must not be under-emphasized. If, as observers of world politics have suggested, one’s local community or ‘nation’ is all that remains under one’s direct control in an interdependent world,\textsuperscript{28} then autonomy for Aboriginal societies takes on even greater importance since globalizing trends threaten not only cultural well-being, but also the Aboriginal sense of ‘nation’ and of nationalism. After all, for Aboriginal peoples (as demonstrated in Chapter One) it is the community that forms the basis of these phenomena. For this reason, there is a pressing need for social, political, economic tools designed specifically by Aboriginal peoples for the benefit of their communities\textsuperscript{29} — tools that might be effectively developed only with some degree of autonomy from the Canadian state.

A significant question therefore remains. If Canadians choose to help facilitate Aboriginal communities in developing their own tools to manage their insertion in world markets and reduce the cultural impacts of globalization, will the Aboriginal ‘problem’ finally be solved? Certainly many Aboriginal leaders, academics, and social advocates (even policy-makers themselves) have proclaimed that the independent development of Aboriginal societies is ‘the’ means of accommodating ethnic nationalism. There are also many social and moral arguments regarding the well-being of Aboriginal societies that one

\begin{itemize}
  \item \textsuperscript{29} As scholars like Courchene, Smith and Hutchison have suggested, the relationship between ethnic nationalism and globalization is most salient at the community level.
\end{itemize}
could advance in favour of autonomy. But one wonders why, if autonomy is such a practical solution, have policy-makers not pursued this option previously? Could there be other latent costs?

2.4 Unraveling the Gordian Knot?

"Against all liberal-democratic principles... governments have continued in the old direction which fosters more dependence and paternalism and entrenches further division based on race and ethnicity."  

Although one could argue passionately against the ill-effects of globalization on Aboriginal communities or advance a new liberal interpretation of community and culture that is less antagonistic to minority nationalities, the fact still remains that there are latent fears of ethnic autonomy in the minds of many Canadians, particularly of Aboriginal self-determination and self-government. These concepts seem to grate at the very concept of being ‘Canadian’. They threaten to undermine the essence of citizenship for a country with already few shared or unifying national symbols. After all, self-government rights seek the most complete form of differentiated citizenship as they divide the larger political community into many ‘peoples’, each with its own historic rights, lands, and powers of governance; and each, therefore, with its own political community.  

Over time, it is possible that autonomous Aboriginal groups may view their political communities as

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30 For an interesting discussion of whether Aboriginal peoples should argue for self-government based on moral rights or on considerations of well-being see Tom Pocklington, D. Carmichael, Democracy and Rights in Canada (Toronto: Harcourt Brace, 1991), chap. 7.
31 Melvin H. Smith, Our Home or Native Land? (Victoria: Crown Western, 1995), 249.
primary and thus devalue or ignore the authority of the larger state. Aboriginal autonomy could, in future, lead to many more secessionist movements.

Moreover, there is also fear that self-determination and self-government will create a disturbing parallel with events in South Africa; that is, by accommodating ethnically-based nationalist assertions Canadian policy-makers will create a politically correct form of apartheid. Aboriginal autonomy could undermine the concept ‘one law for all Canadians’ as enshrined in the Charter and instead promote separate laws and legal rights for Aboriginal and non-Aboriginal societies. The outcome of such an arrangement could be profound: two justice systems, differing regulatory controls, uncoordinated fiscal policies, and the like. And, as Melvin Smith maintains, the practical consequences of governments assuring Aboriginal peoples that they have autonomy is that they may begin to legislate on their own without the concurrence of any other existing government, federal or provincial.

Admittedly, it is difficult for even the staunchest supporters of autonomy to predict its future consequences on the larger Canadian political community. Since self-determination and self-government rights represent the most extreme degree of differentiated citizenship, it may be that according self-government rights to a national minority will not serve an integrative function. If limited autonomy is granted, this may simply fuel the ambitions of nationalist leaders who will be satisfied with nothing short of their own.

33 Richard Gwyn, Nationalism Without Walls: the Unbearable Lightness of Being Canadian (Toronto: McClelland & Stewart, 1995), 5
34 For a forthright expression of this perspective see BCFIRE (British Columbia Foundation for Individual Rights and Equality), Report, v. 1(4), May 1996, and back issues.
ethnically-defined nation-state. With no natural stopping point to demands for autonomy, it is no surprise why many Canadians would fear such an arrangement for Aboriginal peoples.

Thus, as Kymlicka argues, "we seem caught in a Gordian knot;" accommodating autonomy may fuel increased demands for independence, while attempts to assimilate Aboriginal identities into a common Canadian one (as proposed in the 1969 White Paper) have also faltered. Given this dynamic, some might conclude that the only solution to the problems of multinational states is secession. To accept such a proposition, however, returns us to the rather simplified and static conception of nations and nationalism described in Chapter One. Secession implies that the only stable liberal-democracies are nation-states with single national cultures. But as events of recent decades have amply exemplified, boundaries of the 'nation' are rarely coterminous with the larger boundaries of the state.

As well, secession is not always possible or desirable. In Canada, clearly defined territorial divisions between nations are complicated by the archipelago of Aboriginal settlement. Competing claims over land and resources would make peaceful secession virtually impossible, particularly if the newly established political boundaries between groups were not satisfying. Moreover, as demonstrated in Chapter One, Aboriginal nationalist assertions are often more limited and rarely sovereigntist. In fact, when a people are as strongly committed to retaining their culture, language, and traditions as are

Aboriginals, they often can do so without the benefit of sovereignty. And in some instances, such as under conditions of scarce resources, sovereignty could prove to be more of a handicap than a benefit.

Such evidence provides some insight into the choices Canadians must make if they are to accommodate meaningfully Aboriginal nationalist assertions. On one hand, if one recognizes that many Aboriginal nations do not seek to dismember Canada, there may be few incentives to facilitate autonomy. After all, the choice of assimilation may not be as destructive to the state as some observers would have us believe since indigenous peoples in Canada, unlike those in other states worldwide, are less militant and have waged fewer violent "hot wars" to reclaim their homelands and national identities. For this reason, existing powers of the state could be effectively preserved and Aboriginal peoples incorporated into the larger political community as are other non-Aboriginal Canadians. But, on the other hand, there are also significant political, economic, and social reasons for adjusting current political and institutional systems to accommodate the autonomous development of Aboriginal peoples. In particular, past injustices caused by colonialization and forced assimilation and the ill-effects of globalization on Aboriginal culture and community provide ample evidence in support of self-determination and self-government.

From these two perspectives — ones which have remained central themes throughout this chapter — an underlying truth about the challenges that ethno-nationalism pose to

39 Hutterites, Mennonites, or Jews are examples. See Menno Boldt, Surviving As Indians (Toronto: University of Toronto Press, 1993), 136.
multinational states is revealed: in responding to nationalist assertions of sub-national groups, Canada faces a profound policy dichotomy. It can choose to either assimilate or accommodate its Aboriginal communities.

2.5 Coming to Terms With Autonomy: Conclusions

In this chapter I began by remarking that one of the greatest challenge that policymakers in Canada face is how to accommodate meaningfully Aboriginal nationalist assertions while maintaining the wider unity of the state. The two main policy alternatives liberal-democratic states have used to preserve their over-arching unity have been traced in this chapter. States have either attempted to incorporate Aboriginal groups into the larger political community by creating a common identity supportive of hegemonic state institutions as proposed in the 1969 White Paper (assimilation), or they have promoted some form of cultural sovereignty by facilitating the creation of a political relationship based on limited group independence in co-operation with existing institutions (autonomy). There are, indeed, a great many normative arguments to favour of facilitating either of these arrangements. In fact, the choice between them has created a significant policy dichotomy that continues to fuel intense public debate on Aboriginal issues. But it a debate which has failed to allay fears of Aboriginal autonomy in the minds of many Canadians. What is certain, however, is that evidence from recent decades only underscores the fact that attempts to assimilate indigenous peoples have had disastrous consequences for Aboriginal and non-Aboriginal societies in Canada and in other states.
IN SEARCH OF ACCOMMODATION

But fears of secessionist movements or political crises are not sufficient rationales upon which to build lasting public support of Aboriginal autonomy. If a desire to preserve the wider unity of the state is to be fostered concurrently with a willingness to support Aboriginal autonomy, then Canadians will each have to find reasons (or incentives, as Donald Horowitz calls them)\textsuperscript{41} to support accommodation.\textsuperscript{42} Many of these incentives were traced through-out this chapter. In particular, it has been argued that autonomy should be conceptualized as a tool to assist Aboriginal peoples in healing their societies, regaining their self-worth drained by years of assimilationist policies, and addressing the globalizing forces that are threatening their cultures and traditions. In short, autonomy should be recognized as a means to enable Aboriginal people to play a more independent role in the development of their nationalist communities.

But finding sound incentives to support autonomy is only the first step. Since there is no natural stopping point to demands for autonomy, Canadians must also be willing to find a new basis of social unity in order to check the ambitions of those nationalist leaders who may be satisfied with nothing short of their own ethnically-defined nation-state. But what are the ideal conditions which help to stabilize multinational states? If assimilation is not a viable source of unity, what then will take its place? Unfortunately, there is no precise answer to these questions. After all, Canada has spent the last 129 years trying to find this


\textsuperscript{42} In light of the fact that many Canadians are only limited participants in Canada’s political system, it could be argued that it is not the responsibility of each individual but rather of governments to find the incentives for accommodation. But if “deep diversity” is to be fully realized as a new basis of social unity, then all Canadians will have to be involved, not just the main political participants.
balance. It was hoped that wedding federalism to a Westminster system of parliamentary
government would suffice, but events since 1960 seem to have proven otherwise.43

One suggestion, notes Kymlicka, is that “social unity depends on shared values,”44
what John Rawls described as “a shared conception of justice.” In most modern
democracies, there may be no one conception of the good life, but many shared political
values. In Canada such examples might include: a belief in equality, civility, and fairness, a
respect for human rights and freedom, and a commitment to federalism.46 Perhaps by
focusing on these values and by promoting them within both Aboriginal and non-Aboriginal
societies, Canadians could constitute a new basis of social unity, even if autonomy for
Aboriginal peoples is also guaranteed.

It is true that there often are shared political values within multinational states,
including a shared conception of liberal justice. Canada is, of course, no exception.
However, it is not clear that these values, by themselves, provide a reason for national
groups to stay together in one country. The fact that many Aboriginal communities share
similar values (even liberal-democratic ones) does not predicate any causal reason for them
to peacefully co-exist with non-Aboriginal Canadians. After all, it is autonomy which
promotes both limited, political independence and the most extreme form of differentiated
citizenship.

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42 Here I am, of course, referring to both Québec and Aboriginal Nationalism.
46 Values adapted from: Canada, Consensus Report On the Constitution (Charlottetown Accord), Final Text,
If Canada is to accommodate meaningfully Aboriginal nationalist assertions while maintaining the wider unity of the state, then promoting Aboriginal autonomy will also have to be accompanied by a commitment to what Charles Taylor called "deep diversity." In order to build a country in which Aboriginal and non-Aboriginal components can peacefully co-exist and where allegiance to the larger political community is made less intrusive, Canadians would have to acknowledge and accept that there are a plurality of ways of belonging. This would mean that Inuit, Cree, or Nisga’a peoples would each be able to maintain direct links to their ‘nation’ yet hold distinctly different ties to Canada. For "deep diversity" to work, however, these ties to national communities could not be imposed as in the 1969 White Paper. They would have to be permitted to develop organically. The specific means by which these links could be realized and Aboriginal autonomy guaranteed are, however, the subject of the succeeding chapter.

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If in developing and promoting the incentives for accommodation suggested in Chapter Two a majority of Canadians choose ultimately to accept Aboriginal self-determination as necessary and desirable, then the obvious first question is: how will such an arrangement take shape? There is, however, no one means of accommodating the demands of nationalist Aboriginal communities seeking autonomy from the larger state. While to date several prescriptive models have been proposed, three have consistently remained the focus of policy discourse in Canada: whether the autonomous development of Aboriginal communities is best facilitated through constitutional amendments, renewed federal arrangements, or some form of self-government mechanism. While each of these may be a viable means of accommodating autonomous Aboriginal development, not all may be useful. In particular, the precise method chosen will have to address both the internal particularities of the Aboriginal movement as well as foster the incentives for social unity necessitated by “deep diversity”. Based on the understanding of ethnic nationalism developed in Chapter One and of the rationales for facilitating Aboriginal autonomy in Chapter Two, in the chapter which follows I thus attempt to come to terms with the most feasible means of accommodation.
3.1 Constitutional Recognition

One popular method of accommodation is through constitutional recognition. In Canada, as in other states, it is the Constitution which assigns legal responsibility, defines the limits of government authority, and establishes the processes which must be followed before that authority can be exercised. The amendment of such a document could therefore have important applications for Aboriginal peoples. One possible amendment would be to recognize Aboriginal peoples as autonomous communities with inherent rights of self-determination and self-government (not ones granted by larger legislative authorities), thereby enabling them to develop their own social, political, and economic tools to manage the effects of globalization as well as ensure that these trends do not threaten the cultural well-being of individuals within their communities. A renewed constitutional arrangement could also help establish a new basis of social unity in support of Taylor’s “deep diversity” to countervail extreme nationalist assertions. In light of the Constitution’s salience in the Canadian political system and its potential ability to accommodate nationalist assertions, it is no surprise why political activists have, with ardour and fervency, sought constitutional recognition of Aboriginal rights. It is an appealing approach.

But the question still remains whether it is possible to ‘fit’ diverse Aboriginal communities seeking different degrees of autonomy from the larger state into the Constitution. In Canada, repeated failures to develop national consensus on constitutional amendments (namely during the Meech and Charlottetown rounds of negotiation) may have

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2 Charles Taylor, Reconciling the Solitudes (1994), 183.
eliminated the possibility of such arrangements coming to fruition. And in light of the fact that there are hundreds of parochially-based Aboriginal nationalist movements, with each movement having its own demands, goals, and political aspirations, one wonders how the procedural steps of constitutional renewal would be realized. Will an Aboriginal Constitutional Summit be convened? Will each Aboriginal nation be granted a seat at the existing bargaining table of First Ministers? Or will Aboriginal interests be articulated only by recognized representative organizations such as the Assembly of First Nations or the Native Women's Council?

One approach, argues James Tully, would be to give one representative or speaker from each socio-cultural group in Canada the opportunity to express his or her concerns, wishes, and aspirations. Through this form of intercultural dialogue, Tully believes that Canadians would be able to continuously negotiate new constitutional agreements in accordance with the convention of mutual recognition of cultural diversity. For Tully, this type of "constitutional association" is best represented in Bill Reid's sculpture of *The Spirit of Haida Gwaii*, a large black bronze canoe carrying thirteen passengers from Haida mythology, symbolic of the age of cultural heterogeneity. Tully believes that only through association and dialogue (as depicted in *Haidi Gwaii*) will Canada be able to develop an

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3 For a unique and comprehensive analysis of the Meech and Charlottetown rounds see Peter H. Russell, *Constitutional Odyssey: Can Canadians Become a Sovereign People?* 2nd ed. (Toronto: University of Toronto Press, 1993).
5 Ibid. 207.
6 Bill Reid is of Haida and Scottish ancestry and a member of the Haida Nation (Queen Charlotte Islands).
arrangement supportive of cultural diversity in an era when homogenous national cultures are rarely the norm.  

Although Tully prescribes a new means of accommodating the interests of minority socio-cultural groups, his model has limited application for Aboriginal peoples. In recommending that only one speaker from each socio-cultural group in Canada be given the opportunity to express their concerns, wishes, and aspirations, Tully appears to hold a rather narrow view of Aboriginal nationalism. He seems to ignore the fact that there is no one homogenous Aboriginal interest, but rather many. As a result, would only one Aboriginal representative in the constitutional renewal process suffice? In light of the understanding of the differing degrees of Aboriginal nationalist assertions in Chapter One, the application of Tully’s utopian model appears unfeasible, particularly if some consensus is to be found amongst the many competing Aboriginal and non-Aboriginal interests at the constitutional bargaining table.

Recent events also amply testify to the limitations of the de jure approach. As exemplified during the Meech and Charlottetown rounds of negotiation, constitutional change often necessitates a fundamental rethinking of the political principles and traditions to which many Canadians have grown accustomed. At times, this process has forced Canadians to make uncomfortable and unwanted choices, many of which are already

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7 Interestingly, Tully’s references to cultural diversity and inter-cultural dialogue are not limited to the Aboriginal and non-Aboriginal components of Canadian society. He also recognizes that identity groups, such as women, sexual minorities and religion organizations, must also be made part of the constitutional process. But precisely how these groups constitute socio-cultural structures or contribute to cultural diversity is not explored.
reflected in reality and existing government practice. Moreover, the roots and goals of Aboriginal nationalism may be too complex to be dealt with effectively in vague constitutional guarantees. Section 35 of the Constitution Act, 1982 which affirmed existing Aboriginal and treaty rights was, for example, hailed as a new tool to empower Aboriginal peoples. But even today, in spite of its entrenchment in the Constitution, few legal scholars can attest to its overarching importance. In light of potential ‘trauma’ that constitutional change can cause and the inability of such change to bring about lasting de facto arrangements for Aboriginal peoples, it is no surprise why the type of constitutional association described by Tully has limited application for Canada.

3.1.2 The Charter and the Constitution

Rather than trying to fundamentally refashion the entire Constitution and develop a new mode of constitutional association as Tully had described, others have argued that Aboriginal autonomy could be better guaranteed by strengthening Aboriginal rights to self-determination and self-government in the Canadian Charter of Rights and Freedoms. A Charter or bill of rights, notes Alan Cairns, is the classic instrument of the modern state charged with “governing a heterogeneous, densely intermixed assemblage of peoples.” Unlike territorially-bounded arrangements like federalism, a charter can respond to the needs

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and wants of ethnic/national concentrations of peoples who are geographically fragmented. Although a charter is only one of many instruments that could be utilized to guarantee specific Aboriginal rights and some form of limited autonomy, it may, however, be the most practical. After all, notes Cairns, most Aboriginal peoples in Canada do not live on a discrete land base.\textsuperscript{11} As well, the popularity of this form of accommodation is enhanced by the “pervasive rights rhetoric of the modern world and the tendency to see a highly visible charter as an appropriate, even necessary, emblem of contemporary statehood.”\textsuperscript{12}

But the manifest and symbolic benefits of a Charter as espoused by Cairns are not consistently shared by Aboriginal peoples. The Canadian Charter is, after all, a pillar of liberalism and of individual rights. Rather than accommodating different group identities, it negates them by insisting on the uniform application of the rules defining one’s rights, thereby forcing distinct Aboriginal nations into a homogeneous mould that can, at times, betray their self-definition. As well, the precise definition and meaning of the rights entrenched in the Charter are determined largely by ‘White’ courts of the dominant state that apply standards based upon those of Western-European and North American civilization. By invoking these standards to judge other socio-cultural structures, a charter (rather than respecting Aboriginal practices, traditions, and cultures) can end up making everyone the

\textsuperscript{11} The most noteworthy exception is the Inuit of the Western and Eastern Arctic. See Jean Leonard Elliot, “Emerging Ethnic Nationalism in the Canadian Northwest Territories;,” in \textit{Canadian Review of Studies in Nationalism}, v.11(2), 1984, 231-245.

The use of a Charter is therefore not an effective means of promoting "deep diversity."

Moreover, no matter how explicit one is in the design of a Charter, constitutionally, entrenched rights tend to be vague statements of principle. They typically include rights to liberty, fairness and justice, and in the case of Aboriginal peoples, perhaps inherent rights to self-determination and self-government. While many of these guarantees are intended to be broad and inclusive, their overarching intent and significance remain a source of disagreement both within and beyond Aboriginal communities. In short, the vague rights guarantees that are usually enshrined in a Charter of Rights are not particularly sensitive to the varied roots of Aboriginal nationalism and to the many degrees of Aboriginal nationalist assertion.

3.2 Renewed Federalism

If renewed forms of constitutional recognition alone are not viable means of accommodating Aboriginal autonomy, then perhaps constitutional renewal must also be accompanied by the systematic reordering of the Canadian federal system, to create what some analysts have called, a new "third order" of Aboriginal government. As a political device for establishing viable institutions and flexible relationships capable of facilitating inter-state relations, intrastate linkages, and inter-community co-operation, federalism is a

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promising model. Although social and political conflicts are inherent components of all federal societies, by dividing powers between independent and coordinate orders of government, federalism has the capacity to better regulate and manage this conflict. By dividing powers, federalism also has the advantage of being a provider of powers to minorities and territorial interests that hold majorities within their respective communities.  

A renewed federal arrangement could thus provide diverse Aboriginal peoples seeking different degrees of autonomy from the larger state with expansive, province-like powers over a broader range of policy areas, while at the same time provide hegemony for national political institutions supportive of “deep diversity”.

One lasting question however remains: if federalism provides such a promising model, then why is there increasing evidence of the inability of federal systems to accommodate ethnic nationalism? Federal structures may be able to manage the challenges that ethnic forms of nationalism pose, but as evidence from Africa, Eastern Europe, and South Asia attests, their success depends on a wide range of conditions such as the depth of ethnic passions, the number of competing groups, the extent of economic disparities between these groups, and the political traditions of the parties involved. In short, there are few existing federal models that have proven successful at accommodating nationalist assertions.

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Moreover, the social and political conflicts that are an inherent component of federal systems more often provide a reason for governments to ignore rather than a rationale to address the demands of Aboriginal peoples. Federalism can thus create more barriers to inter-governmental dialogue; barriers that would likely frustrate any new third order of Aboriginal government. In light of this evidence, it appears that merely renewing existing federal arrangements will neither lead to any further accommodation of Aboriginal nationalist assertions, nor help preserve the wider unity of the state.

It is, however, worth observing that the decision to create a federal system rather than a unitary form of government in Canada was determined very powerfully by the wish to accommodate differences based on ethnicity. The British North America Act of 1867 was remarkable in that it simultaneously united under one common government a number of separate provinces — Canada, Nova Scotia, and New Brunswick — and divided the hitherto united province of Canada into two political units one of which, Ontario, was predominantly English-speaking and the other, Quebec, was French-speaking. Despite the challenges that the federal arrangement has posed, Canadians have remained united for over 125 years. As a result, many Canadians are committed to the federal principle and believe that by adapting existing institutional structures Aboriginal peoples can also be assigned a more meaningful place.

17 There are many examples of the effects of federalism on Aboriginal peoples. In particular, see David C. Hawkes (ed), Aboriginal Peoples and Government Responsibility (Ottawa: Carleton University Press, 1989). For an interesting provincial prospective also see Paul Tennant, Aboriginal Peoples and Politics (Vancouver: University of British Columbia Press, 1990), chap. 17.
Ultimately, even if the Canadian federation were effectively adapted to accommodate varying degrees of Aboriginal nationalist assertions, the fact still remains that federal systems tend to be territorially-bounded entities. Aboriginal populations are, in contrast, spatially fragmented into diverse nations — nations that have, over time, been further subdivided by governments into various legal categories: treaty and non-treaty; reserve and off-reserve; and status and non-status Indians. Since there is no one pan-Aboriginal interest, no one Aboriginal geographic base, and no one definition of ‘Aboriginal’, precisely how federalism is to provide meaningful rights and powers to all these different groups is uncertain. Moreover, as discussed in Chapter One, Aboriginal nationalism (as an ethnic form of nationalist assertion) takes its basis from ties of descent and from the assumption of common origins. Unlike the civic form of nationalism whose sense of inclusion and exclusion is vital to the definition of its community of citizens, territorial identification is not the only component of Aboriginal nationalist assertions. In light of this evidence, ethnic accommodation would appear to not be the key political use of federalism.

In sum, constitutional amendments and renewed federal arrangements do have some promising elements to help facilitate the autonomous development of Aboriginal communities. On one hand, constitutional renewal offers Aboriginal peoples direct opportunity to reshape the supreme laws of Canada, to make allegiance to the Canadian national community less intrusive, and to entrench new Aboriginal rights and privileges in the Charter in order to better protect their geographically fragmented nationalities. On the

other hand, federalism also offers Aboriginal peoples the opportunity to gain more expansive, province-like powers over a range of new policy areas, while at the same time ensures hegemony for national political institutions supportive of “deep diversity”. What these two arrangements do not offer, however, are specific answers to the functional (de facto) problems of accommodation. In other words, proposals to amend the constitutional or to renew existing federal arrangements must be accompanied by some discussion of the larger issue of Aboriginal self-government.

3.3 Aboriginal Self-Government

Self-Government is undoubtedly the most talked about yet little understood topic in Canada. It has become the subject of many impassioned discussions of academics, social advocates, Aboriginal groups, and policy-makers alike. At issue is precisely how Aboriginal self-government is to be realized and implemented. To whom would self-government apply? Would it necessitate minor constitutional amendments or fundamental changes to the federal system? What impacts would inherent rights of self-government have on non-Aboriginal Canadians, the larger political community, or national unity? Would self-government promote an extreme form of differentiated citizenship, or could it offer Canadians a new basis of social unity? These questions represent only a modest sampling of the concerns raised about this mode of accommodation. Yet, as Robert Bish notes, the fact still remains that “Indian government is an emerging political reality in Canada.”

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discussion of this fascinating field is therefore needed if it is to be considered a viable means of accommodating Aboriginal autonomy.

3.3.1 How We Arrived Here and From Where We Came

It would be a serious mistake to assume that the concept of Aboriginal self-government was something new. When Europeans arrived at North America some five hundred years ago, indigenous peoples lived across the continent. Hundreds of tribal communities, made up of a variety of nations and representing at least ten different language groups, inhabited most of the lands from Newfoundland to Vancouver Island. It is thus a matter of historical record that before the arrival of the Europeans, these peoples were self-governing. They possessed and exercised absolute sovereignty over their communities and developed political organizations and structures of governance in accordance with their particular needs.  

For many Aboriginal nations today, self-government is perceived as the most direct way of obtaining the necessary resources to sustain viable and self-determining societies. Unlike other arrangements which may only confer rights, self-government offers Aboriginal peoples the opportunity to be recognized as distinct societies with inherent rights to shape the development of their communities over time. It provides them with the

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21 Government officials have typically supported the granting of limited Aboriginal rights. Only recently have federal policy-makers agreed to recognize inherent Aboriginal rights to self-government. See, for example: Canada, *Consensus Report On the Constitution* (Charlottetown Accord), Final Text, 28 August 1992, section IV: “First Peoples”, 14.
chance to rebut years of assimilationist policies and reclaim political independence and self-reliance. In short, Aboriginal self-government is government “of their people, by their people, for their people.”

Precisely when ‘self-government’ became a prominent feature of Aboriginal policy discourse in Canada is uncertain. Many Aboriginal leaders maintain that since contact with the Europeans, Indian peoples have utilized protests, refusals to cooperate, and other projections of political authority to assert their right to self-government. It is also thought that the 1969 White Paper and 1983 Penner Report (discussed in Chapter Two) spawned much Native political activity. But there is also significant evidence to suggest that Indian peoples (such as the Walpole Island Band and Dakota Ojibway Tribal Council) did assert their right to self-government well in advance of the issuance of the White Paper. What is certain, however, is that the drive towards Aboriginal self-government has, at the national level, most fervently taken hold within the past twenty-five years and that recently, it has also emerged in the context of land claims and treaty issues — issues that have continued to spark debate about the relationship between Aboriginal government and the future of Canada’s constitutional order. For this reason, it is no surprise that discussions of self-government have often involved questions of federalism and constitutional renewal as well.

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23 Menno Boldt, Surviving As Indians (Toronto: University of Toronto Press, 1993), 88.
3.3.2 Land Claims, Treaties, and Self-Government

The significance of the relationship between self-government and treaty and land claims issues is worthy of particular emphasis because Canadian governments have consistently, thought Canadian history, used treaties to settle outstanding land disputes and respond to Aboriginal nations seeking a greater degree of autonomy from the state.\textsuperscript{25} Using the framework established under the \textit{Royal Proclamation of 1763}, the intent of Canada's early (numbered) treaties was not to facilitate the creation of self-governing Aboriginal communities. Rather, treaties were signed between Canadian governments and Aboriginal nations to secure Indian lands for the benefit of the Crown in exchange for limited rights and compensation for Aboriginal peoples. Although not all Aboriginal groups were involved in the treaty-making process, by 1930 the federal government had finalized a total of eleven numbered agreements covering all of Northern Ontario, the Prairie Provinces, and parts of the Southwestern region of the Northwest Territories.\textsuperscript{26} But if treaty-making was primarily a mechanism for settling land claims, then what significance does it have for Aboriginal nations seeking self-government?

The significance of the treaty-making process was not realized by Aboriginal groups until after the entrenchment of the \textit{Constitution Act, 1982} and the subsequent reevaluation by the federal government of the distinction between land claims agreements and self-

government arrangements. In the late 1960's, the federal government moved to establish a coherent policy and consistent mechanism for dealing with land claims. It stipulated, however, that agreements to resolve outstanding land disputes must be dealt with separately from proposals for self-government. As a result, Aboriginal leaders were left with less effective and more controversial mechanisms other than negotiation — such as the use of litigation, civil disobedience, and participation at constitutional conferences — to bring about change in Ottawa's Aboriginal policy. With the land claims/self-government distinction removed, however, new comprehensive treaties could be negotiated; ones which included compensation, land rights, and self-government provisions. Moreover, with the passage of the new Constitution Act in 1982, these treaties would now have constitutional protection as well. In section 35 of the Act all existing Aboriginal and treaty rights (including treaty-established rights to self-government) were affirmed.

Perhaps the most forthright example of the relationship between self-government and treaty-making and land claims is in British Columbia. Unlike other regions of Canada, most of British Columbia is not covered by colonial treaties. Between 1850 and 1854, the Governor of the colony, James Douglas, made only fourteen purchases involving some 358 square miles of land. As the result, the treaty-making process was incomplete; most of the

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27 It must be noted that Ottawa's land claims/self-government distinction remains formally in effect to date. However, recent treaty agreements (such as the 1996 Nisga'a Agreement in Principle) and various ministerial speeches do acknowledge that the federal government is committed in principle to the removal of the distinction.

28 The Nisga'a Agreement in Principle, signed in February 1996, is a noteworthy example.

29 Although these purchases were not 'treaties' in the modern sense of the word, Canadian courts have since ruled that these documents were and remain valid Indian treaties. See White and Bob (1965), 52 Dominion Law Reports (2d), SC 1965, 481.
Province’s tribal groups (nations) had not ceded or extinguished their rights and title. In response, in September of 1992, the Summit of First Nations and the Governments of Canada and British Columbia publicly committed “to facilitate the process of negotiation.”

Although these negotiations were by no means a new phenomenon in Canada, the treaty process established in British Columbia was unique in that it set out a specific six-stage procedure to ensure that all parties involved remained at the negotiating table. More significantly, the process also placed no limitations on the issues discussed. In other words, treaty talks could now involve issues of Aboriginal self-government:

The British Columbia treaty-making process is an excellent example of how treaty and land claims issues have, more recently, involved questions of Aboriginal governance. Treaties offer Aboriginal groups seeking greater autonomy from the larger state a direct (de facto) opportunity to negotiate specific provisions of self-government. The much celebrated Nisga’a Agreement In Principle, signed in February 1996, exemplifies only one such form. But treaty-making alone is by no means a satisfactory solution to the wider Aboriginal question in Canada. For example, a recent comparative study suggests that negotiations are costly and difficult to administer and that they may not result in sustained economic benefits for Aboriginal communities. Moreover, establishing a new Canada-wide treaty process

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(perhaps one modeled on the B.C. example) leaves unresolved the situation of those Aboriginal nations that have already ratified treaty agreements and/or extinguished their land rights and those living in metropolitan centres. The *de facto* benefits of treaty-making may thus be offset by the limited application of treaties in accommodating the differing situations of Aboriginal peoples seeking self-government.

3.3.3 Coming to Terms With Self-Government

In light of the importance that self-government has come to play in Aboriginal policy discourse and of its potential to facilitate meaningfully the autonomous development of diverse Aboriginal nationalities, one must now return to the question of whether self-government is a viable form of accommodation, capable of both promoting Aboriginal autonomy as well as establishing a new basis of social unity supportive of “deep diversity”. Unfortunately, since there is no one accepted model of self-government, there is also no one means of evaluating its meaning and practice. There are, however, a number of seminal works (mainly by students of public administration) that have made valuable contributions in this area. Of particular interest are the comprehensive studies of David Boisvert, of Frank Cassidy and Robert Bish, and of David Hawkes and Evelyn Peters.\(^{33}\) Also of interest is the recent case study analysis of land claim settlements and their provisions for Aboriginal

governance. Nonetheless, the subject of self-government remains so complex and largely unexplored by Canadian analysts that one wonders if one can, within the confines of limited space, effectively assess self-government?

One method would be to identify the various types of Aboriginal self-government. The work of David Boisvert is particularly helpful in this matter. In *Forms of Aboriginal Self-Government*, Boisvert examines a number of institutional arrangements that could be established to respond to Aboriginal demands for greater autonomy. He evaluates them according to their capacity to fulfill each of three functions of government: authority, participation, and dimension. Within each of these functions, specific sub-components are also identified. These functions and components are summarized in *Table 2*.

Boisvert’s typology is a useful starting point for identifying some noteworthy trends. Firstly, it suggests that the most potent forms of self-government are ones in which the authority function is capable of law-making power. But authority is also dependent on the dimension function. As a general rule, notes Boisvert, “the greater the dimension of

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35 ‘Authority’ refers to the kind and degree of authority that Aboriginal peoples are recognized as having within the political system. This authority can be vested in law-making or administrative institutions. In some cases, Aboriginal peoples could be recognized as having no authority at all.
36 Institutions differ markedly in the degree of participation they afford Aboriginal peoples. Some institutions can be established particularly for use by Aboriginal peoples, while others can be open to public use.
37 Most institutions tend to be established on a territorial base or within a given political space. ‘Dimension’ thus refers to the geographic scope of the institution in question.
government, the greater its authority.\textsuperscript{38} Secondly, the typology suggests that as the dimension function increases (from local to Canada-wide) and the authority function strengthens (from administration to law-making), the opportunity to provide aboriginal representation on an exclusive basis is further weakened; the creation of this type of self-governing structure would amount to the formation of a sovereign Native nation-state.

By combining the different functions and components of Boisvert's typology one can create up to thirty-six possible types of Aboriginal institutions. Eliminating those with internal contradictions or that are largely irrelevant, one can reduce this sample to fifteen potential models. These models are summarized in \textit{Table 3}. Of course, not all possible institutional arrangements of self-government are identified in this typology. Indeed, each function identified could be further refined. But the categories that Boisvert established do, however, generally represent the main forms of Aboriginal governance that could be realized. The question thus remains as to which models are most relevant to the Canadian experience. Particularly, the most feasible models will be sensitive to both the internal particularities of the Aboriginal movement (discussed in Chapter One) and to the need for the new basis of social unity necessitated by "deep diversity".

\textsuperscript{38} David Boisvert, \textit{Forms of Aboriginal Self-Government} (1985), 20:
IN SEARCH OF ACCOMMODATION

Table 3

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<td>6</td>
<td>Municipal Government</td>
<td>Law-making</td>
<td>Public</td>
<td>Local</td>
</tr>
<tr>
<td>7</td>
<td>National Aboriginal Special Purpose</td>
<td>Admin.</td>
<td>Exclusive</td>
<td>Canada-wide</td>
</tr>
<tr>
<td>8</td>
<td>Regional Aboriginal Special Purpose</td>
<td>Admin.</td>
<td>Exclusive</td>
<td>Regional</td>
</tr>
<tr>
<td>9</td>
<td>Band Council Government</td>
<td>Admin.</td>
<td>Exclusive</td>
<td>Local</td>
</tr>
<tr>
<td>10</td>
<td>National Corporate Government</td>
<td>Law-making</td>
<td>Exclusive</td>
<td>Canada-wide</td>
</tr>
<tr>
<td>11</td>
<td>Regional Corporate Government</td>
<td>Law-making</td>
<td>Exclusive</td>
<td>Regional</td>
</tr>
<tr>
<td>12</td>
<td>Local Corporate Government</td>
<td>Law-making</td>
<td>Exclusive</td>
<td>Local</td>
</tr>
<tr>
<td>13</td>
<td>National Aboriginal Interest Groups</td>
<td>None</td>
<td>Exclusive</td>
<td>Canada-wide</td>
</tr>
<tr>
<td>14</td>
<td>Regional Aboriginal Interest Groups</td>
<td>None</td>
<td>Exclusive</td>
<td>Regional</td>
</tr>
<tr>
<td>15</td>
<td>Local Aboriginal Interest Groups</td>
<td>None</td>
<td>Exclusive</td>
<td>Local</td>
</tr>
</tbody>
</table>


Model number 1, which would produce exclusive Aboriginal government on a Canada-wide basis, is likely not a viable alternative. The creation of this type of self-governing structure would amount to the formation of a sovereign Native nation-state, a form which many Aboriginal nations do not seek. Similarly, models 13 to 15 are likely of marginal interest since they provide Aboriginal representation on only non-authoritative bodies. Models 7 to 9 do, however, offer some opportunity for exclusive Aboriginal self-government at the Canada-wide, regional or local levels. But these models provide only limited administrative authority rather than tangible legislative powers to assist Aboriginal communities in developing the social, economic, and political tools necessitated by self-government. Moreover, the existing problems of band-based government in Canada (model 9) amply testify to the limitations of this solely administrative form of governance.39

Models 10 to 12, which propose various forms of corporate self-government, are also potential options although they have not been widely implemented in Canada to date. These

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models would, in particular, be useful for Aboriginal peoples who do not reside on a discrete territory. Off-reserve, urban Aboriginal peoples are, indeed, an example. But recent evidence from the experiences of the Cree and Naskapi peoples of Northern Québec amply testifies to some of the possible limitations of this model.\(^4^0\) The corporate structure tends to ignore the strong attachments to territory held by some Aboriginal nations. As well, since the corporate model has not been widely implemented in Canada, it is a rather experimental (and perhaps, politically unfeasible) alternative.

Unlike the other alternatives, model 4 offers Aboriginal peoples specific representation in existing national governing institutions. On one hand, such representation would be useful if, as James Tully suggested, Canadians were to develop a new form of constitutional association in the spirit of Bill Reid's sculpture of *Haidi Gwaii*. But on the other, model 4 could be utilized by policy-makers to merely co-opt and assimilate Aboriginal peoples into dominant political and institutional arrangements. Model 4 could therefore be perceived by Aboriginal groups as offering little opportunity for autonomous development. So while this option may be an appropriate form of accommodation for more limited degrees of Aboriginal nationalist assertion, it could also offend Aboriginal nations seeking a greater degree of autonomy.

Models 5 and 6 are public forms of self-government that possess strong law-making authority and the ability to adapt to either regionally or municipally-based Aboriginal interests. These models would be particularly useful in regions (like the North) where

\(^{40}\) See Augie Fleras, Jean Leonard Elliot, *The Nations Within* (1992), 60.
Aboriginal peoples are the majority of the population. However, the spatial distribution of Aboriginal peoples across Canada prevents these models from being viable alternatives in most other regions. Admittedly, models 5 and 6 could be adapted to include some exclusive Aboriginal rights and guarantees in areas where non-Aboriginal peoples are the majority. But ultimately, the long-term potential of these models to facilitate autonomous Aboriginal development is likely limited and uncertain.

Finally, there are the exclusive regional and local forms of self-government offered by models 2 and 3. These would, of course, be most appealing to Aboriginal nations (like the Mohawk) who seek the most extreme degree of autonomy from the larger state. Conversely, because they establish an ethnically-defined Aboriginal form of governance not open to Canadians at-large, models 2 and 3 could also promote a radical form of differentiated citizenship. While these models would, indeed, allow Aboriginal peoples the opportunity to play a more independent role in the development of their national communities, they would also make the achievement of the principle of “deep diversity” more problematic.

3.4 Conclusions

Throughout this chapter a number of prescriptive models to help facilitate Aboriginal autonomy were evaluated. In particular, the three most consistently the focus of policy discourse in Canada — constitutional amendments, renewed federal arrangements, and self-governing mechanisms — were explored. Proposals to develop a new constitutional
association, to use the Charter to protect geographically fragmented ethnicities, and to create a new third order of Aboriginal government offered some promise. But none of these de jure alternatives could independently address the internal particularities of the Aboriginal movement, nor foster sufficient incentives for social unity — incentives necessitated by a commitment to "deep diversity". The search for accommodation could thus not occur without reference to the much larger discussion of land claims, treaties, and most importantly, self-government. Unfortunately, there is no one model of self-government to evaluate. The daunting array of alternatives presented in Table 3 provides ample evidence of why many Canadian analysts have tended to neglect this subject.

What is needed is the effective application of the understanding of Aboriginal nationalism developed in Chapter One to the seemingly confusing array of policy alternatives. From this understanding, it is evident that the Aboriginal sense of 'nation' and nationalism takes its basis neither at the pan-Aboriginal nor Canada-wide level, but in the local community. For this reason, one could likely eliminate those alternatives presented in Table 3 that seek to create a Canada-wide or regional form of self-government. After all, for many Aboriginal peoples, it is to the community to which the sense of national allegiance is most salient.

The creation of local Aboriginal self-government does, however, raise a number of substantive issues regarding implementation. A highly localized form of self-government could complicate the process of income redistribution between Aboriginal communities, make intergovernmental relations amongst Aboriginal and non-Aboriginal governments
unnecessarily complex, and increase the costs of service delivery.\textsuperscript{41} Such observations are, indeed, revealing. But the question remains whether these fiscal and administrative burdens are sufficient rationales for rejecting local self-government as a viable model.

Furthermore, one must consider that the overwhelming majority of Aboriginal nations seek neither to create a sovereign Native nation-state, nor to dismember Canada. For this reason, those models of self-government that are supportive of exclusive Aboriginal participation may, indeed, be feasible alternatives. This is, however, not to suggest that all Aboriginal nations will require ‘exclusive’ legislative powers. More limited forms of self-government may indeed be applicable to groups seeking only a limited degree of autonomy from the larger state. The greatest challenge that policy-makers (both Aboriginal and non-Aboriginal) will face is to determine within their own political communities which is the most appropriate model. As such, the future of self-government in Canada will likely continue to take on a variety of different forms.

What will Aboriginal self-government mean for the Canadian national community? It would appear that there are few incentives for Canadians to support a form of self-government that enables Aboriginal peoples to have exclusive, local legislative authority. Such an arrangement seems to rebut the underlying political principles and ideological positions that the majority of Canadians hold. Furthermore, even if these arrangements were widely supported and implemented with respect for “deep diversity” as suggested in Chapter Two, events of recent decades provide Canadians with few assurances that ethnic challenges

will in the future be minimized. If Aboriginal self-government is to therefore be realized while maintaining the wider unity of the state, then methods of accommodation will have to be found that combine both the exclusive and public forms of governance in models 3 and 6. Neither solely public nor ethnically-exclusive forms of self-government will meet these two overarching objectives.
For Canada, the search to accommodate the autonomous development of Aboriginal communities must be viewed in light of the unique parochial basis of the Aboriginal sense of 'nation' and of the differing degrees of Aboriginal nationalist assertion. As evidence from this study indicates, ethnic forms of nationalism are not as destructive and exclusive as some analysts would have us believe. A fuller understanding and appreciation of the differing demands that Aboriginal peoples have made in recent decades indicates that not all assertions seek to attain sovereignty and so to dismember Canada. What must therefore be reconsidered is the rather traditionalist assumption that secession — the creation of an independent, ethnically-bounded nation-state — is the inevitable result of Aboriginal nationalism. New conceptualizations must be developed so that the wishes, desires, and goals of those nations seeking a more limited degree of autonomy from the larger state are recognized as no less nationalist and thus deserving of further study by students of nationalism.

Aboriginal nationalism is, indeed, a potent and powerful force that will continue to be a prominent component of Canada's political system. In fact, events in Canada and in other multinational states have amply demonstrated that attempts to induce the transfer of loyalty from the nation to the state have, for the most part, failed. The reactions that federal policy-makers received from indigenous peoples after the proposal of the 1969 White Paper provide a vivid reminder. Moreover, Aboriginal communities have managed to remain
distinct nations, each bounded by unique ties of culture, kinship and ethnicity, even after decades of colonially-driven assimilationist policies. These communities have over time also formed their own special relationships with Canadian governments and non-Aboriginal society at-large. For these reasons, many Canadians have come to recognize the futility of trying to forcibly assimilate diverse Aboriginal communities into Canada. There is now a growing (yet cautioned) willingness amongst a majority of Canadians to support Aboriginal self-government, even if the precise meaning of this term remains largely undefined. Unlike assimilation, self-government offers Aboriginal peoples subjected to decades of paternalistic and repressive government policies some independence to develop their own social, economic, and political tools appropriate to the specific needs of their nationalist communities — tools increasingly needed to sustain prosperous development in an era of rapid globalization.

But as many acute observers have aptly noted, autonomy is by no means the only 'solution.' The question still remains of how Canada is to deal with the more extreme forms of nationalist assertion and those seeking complete sovereignty. On one hand, secession appears to be an option. But on the other, splintering the current political system is not always possible or desirable. In fact, the argument that secession is a viable solution to the challenges of ethno-nationalism is grounded on a rather static conception of nationhood and nationalism. Secession assumes that the most stable nation-states are only those that contain one dominant socio-cultural structure. The emergence of a number of nationalist challenges in recent decades has, however, shown that most states in the world are not homogeneous,
and Canada is certainly no exception. As a result, rather than trying to utilize secessionist threats to induce the more militant Aboriginal nations to remain bounded to Canada, all citizens must also try to make ‘being Canadian’ less intrusive on other nationalities. Canadians must work concurrently to facilitate the autonomous development of Aboriginal communities as well as to foster a new basis of social unity, one necessitated by Charles Taylor’s concept of “deep diversity.”

But there are also a number of steps that Canada’s policy-makers must now take in order to solidify their commitments to self-government and “deep diversity”. Ultimately, the process established must be guided by a fuller understanding and appreciation of Aboriginal nationalist assertions and by the realization that Canadians will only remain committed to these principles if there are meaningful incentives to sustain them. As well, the desire to pursue Aboriginal autonomy must also be balanced against the larger effects of differentiated citizenship on the Canadian national community. In short, what is needed is a functional and flexible approach to self-government that effectively addresses the various degrees of Aboriginal nationalist assertion. No one form of self-government will therefore suffice.

Firstly, one must recognize that de jure arrangements such as constitutional amendments, renewed federal arrangements, and the like offer Aboriginal peoples only limited opportunity to play a more independent role in the development of their nationalist communities. Indeed, such arrangements may offer them a chance to participate in the development of a new constitutional association, to use the Charter to protect their
geographically fragmented ethnicities, and to publicly commit governments to the creation of a new third order of government. But ultimately, as evidence in this study has suggested, none of these arrangements could independently address the internal particularities of the Aboriginal movement and effectively implement the many resulting forms of self-government. *De jure* arrangements are, instead, better suited to perform symbolic functions; that is, to ensure that self-government rights are inherently recognized, not devolved or delegated from larger non-Aboriginal institutions. *De jure* forms of accommodation would also be more useful in dealing with the rights of those Aboriginal people who do not live conveniently on reserves. For these reasons, *de jure* arrangements must not be completely abandoned, but rather viewed as only one of many forms of accommodation.

The greater challenge facing policy-makers is how to realize self-government. As discussed in Chapter Three, treaty-making offers many advantages. Treaties are comprehensive documents, symbolically important, flexible enough to adapt to the different needs and demands of diverse nationalities, and constitutionally protected under section 35 of the *Constitution Act, 1982*. More recently, treaty-making has also been recognized, particularly in British Columbia, as an effective mechanism for settling outstanding land claims and issues of Aboriginal governance. Treaty-making may, however, have more limited application for nations in other regions of the country who have already ratified land claims agreements and extinguished their Aboriginal rights. For these peoples, the reopening of treaty negotiations seems to be the only remaining possibility.
Ultimately, the question of precisely what form self-government should take will be raised. Most importantly, a mechanism is needed which meaningfully accommodates Aboriginal nationalist assertions while still preserving the wider unity of the state. For this reason, a number of potential models have been presented in this study, each of which supports different functions. However, based upon the understanding of Aboriginal nationalism developed in Chapter One, only those which offer Aboriginal peoples a more localized and parochial form of control are the most feasible. As well, the evidence suggests that the form of self-government implemented must not be entirely exclusive. Some participation by non-Aboriginal components is necessary to respect the principle of "deep diversity" and to ensure ongoing dialogue between governments and citizens of each community. The most ideal form of self-government will therefore contain a combination of the exclusive and public alternatives prescribed by models three and six (Table 3).

There is clearly no one solution to the Aboriginal question in Canada. Many multiple commitments, particularly to respecting autonomy and to "deep diversity", will have to be sustained. As well, de jure guarantees of autonomy will also have to be complimented by other de facto self-government arrangements. If these are the realities of accommodating Aboriginal nationalism, then ethno-nationalism has indeed presented many challenges for Canadians to overcome. How Canadians respond to these challenges will however determine the future stability of their multinational state.
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