

Time permitted: 70 minutes

Suggested reading time: 20-25 minutes

Suggested essay composition time: 45-50 minutes

Introduction:

Since being claimed as the colonized territories of the French and the British, North America has had a long and complicated history with regard to the position of its Aboriginal (or First Nations) peoples. As the nations of the United States and Canada emerged, the relationships between the First Nations and the European settlers were formalized in a series of military allegiances, treaties, and laws that were intended to clarify issues such as land ownership, resource allocation and usage, governance, and citizenship status.

There are many different First Nations throughout North America, each with its own culture, social structure, and systems of allegiance with other nations; however, in recent years First Nations peoples have often worked in solidarity with one another when confronting issues that concern them. The Idle No More movement, begun in Canada in the winter of 2012-2013, is an example of such an expression of solidarity, prompting demonstrations by other groups around the world, calling into question whether the Government of Canada has honoured its relationship with the First Nations living in Canada, and questioning the future of that relationship, particularly with regard to the appropriate use of and profit from natural resources.

Assignment:

Carefully read the following seven sources, including the introductory information for each source. Then synthesize information from at least three of the sources and incorporate it into a coherent, well-developed essay that argues a clear position on the key issues that leaders (e.g. in government, of First Nations, etc.) should consider when moving forward with the creation of policies relating to natural resource and land use.

Make sure your argument is central; use the sources to illustrate and support your reasoning. Avoid merely summarizing the sources. Indicate clearly which sources you are drawing from, whether through direct quotation, paraphrase, or summary. You may cite the sources as Source A, Source B, etc., or by using the descriptions in parentheses.

Source A (Gordon)

Source B (Schwartz)

Source C (Flanagan)

Source D (Klein)

Source E (Boyden)

Source F (RCAP)

Source G (map)

SOURCE A

Gordon, Jessica. "Manifesto." *The Official Idle No More Website*. Idle No More, 24 January, 2013.
Web. 18 Mar. 2013.

The following declaration was written by one of the founders of the Idle No More movement.

We contend that: The Treaties are nation to nation agreements between The Crown and First Nations who are sovereign nations. The Treaties are agreements that cannot be altered or broken by one side of the two Nations. The spirit and intent of the Treaty agreements meant that First Nations peoples would share the land, but retain their inherent rights to lands and resources. Instead, First Nations have experienced a history of colonization which has resulted in outstanding land claims, lack of resources and unequal funding for services such as education and housing.

We contend that: The state of Canada has become one of the wealthiest countries in the world by using the land and resources. Canadian mining, logging, oil and fishing companies are the most powerful in the world due to land and resources. Some of the poorest First Nations communities have mines or other developments on their land but do not get a share of the profit. The taking of resources has left many lands and waters poisoned – the animals and plants are dying in many areas in Canada. We cannot live without the land and water. We have laws older than this colonial government about how to live with the land.

We contend that: Currently, this government is trying to pass many laws so that reserve lands can also be bought and sold by big companies to get profit from resources. They are promising to share this time...Why would these promises be different from past promises? We will be left with nothing but poisoned water, land and air. This is an attempt to take away sovereignty and the inherent right to land and resources from First Nations peoples.

We contend that: There are many examples of other countries moving towards sustainability, and we must demand sustainable development as well. We believe in healthy, just, equitable and sustainable communities and have a vision and plan of how to build them. Please join us in creating this vision.

SOURCE B

Schwartz, Daniel. "How does native funding work?" *CBC News*. Canadian Broadcasting Corporation. 6 February, 2013. Web. Mar. 18, 2013.

The following material was excerpted and abridged from an article that formed part of a series providing background information on the conflict over Bill C-45.

Why does the federal government fund First Nations?

In 1867, the British North America Act made "Indians and lands reserved for the Indians" an exclusive federal jurisdiction, making the federal government responsible for providing programs and services that most communities in Canada receive from provincial and municipal levels of government. These include education, health and social services, roads, housing, water and waste management.

First Nations also lost land and resources through treaties and land claims settlements, which created government obligations to provide aid and services in return.

Providing a comparable range and level of service to First Nations and Inuit is a stated government goal, but according to Canada's auditor general, "Services available on reserves are often not comparable to those provided off reserves by provinces and municipalities," and conditions have remained poor.

In the 2011 report *Programs for First Nations on Reserves*, the auditor general also observed, "It is not always evident whether the federal government is committed to providing services on reserves of the same range and quality as those provided to other communities across Canada."

The federal government established each First Nation band as an autonomous entity and, therefore, provides separate program funding to each one. With about 630 First Nations – 60 per cent of which have fewer than 500 residents – economies of scale mean that delivering these programs likely will be expensive, compared to when similar services are provided at the municipal and provincial level.

How do First Nations earn own-source revenue?

In 1876, the Indian Act gave the government control of Indian economic and resource development and land use. They became [. . .] "wards of Canada," which didn't allow them to engage in economic development. Only in the last few decades has there been any significant change in that arrangement.

Now that they are able to do so, many First Nations are generating revenue, from a wide variety of sources. Here are some examples:

- Squamish First Nation in North Vancouver and Westbank First Nation in Kelowna, B.C., have developed major shopping centres.
- Osoyoos First Nation in B.C. has a winery, NK'Mip Cellars.
- Vuntut Gwitchin First Nation in the Yukon owns the Vuntut Development Corp., which co-owns Air North airline and other interests.
- Whitecap Dakota First Nation in Saskatchewan has the Dakota Dunes Casino and the Chippewas of Rama First Nation in Ontario have Casino Rama. There are at least 15 other First Nation-owned casinos in Canada.
- Lac La Ronge First Nation's Northern Lights Foods sells wild rice and mushrooms internationally.

- Attawapiskat First Nation in Ontario receives funds, as well as training and jobs, from De Beers' diamond mine on their traditional land, the result of an impact benefit agreement the two sides reached in 2005.

Do First Nations collect taxes?

In 1988, amendments to the Indian Act empowered First Nations with their own tax authority and today [. . .] about one-sixth of bands collect taxes. For those bands [some] estimates [state] that one-tenth to one-third of their total revenue comes from property taxes and, less frequently, sales taxes but notes that those revenues come with service responsibilities.

SOURCE C

Flanagan, Tom. "Bill C-45 simply makes it easier for first nations to lease land." *The Globe and Mail*. 29 December, 2012. Web. Mar. 18, 2013.

The author is professor of political science at the University of Calgary and a campaign manager for conservative parties.

One of the most inflammatory, but inaccurate, claims coming from the Idle No More movement is that Bill C-45, the second budget implementation act, has deliberately made it easier to sell off Indian reserves. A little background information is necessary to understand what has actually happened.

Many first nations have achieved economic success by leasing portions of their reserves for shopping centres, industrial parks, residential developments, casinos and anything else that might make money. Such projects create jobs and generate property tax revenues that first nations need to provide better services for their members.

Yet, success has been hard won because of cumbersome procedures prescribed by the Indian Act. Designation of land for leasing had to be approved by majority vote in a referendum or band meeting for which the quorum was a majority of members – in other words, approval by a majority of a majority. If, as usually happened, the quorum was not achieved, the Minister of Aboriginal Affairs could authorize a second meeting dispensing with the quorum.

This two-stage procedure typically added six months to the duration, and tens of thousands of dollars to the cost, of designation. At the other end, approval for designation had to be granted by order-in-council – that is, a formal resolution of the federal cabinet signed by the Governor-General – meaning more months of delay.

First nations pursuing economic development have complained for years that the slowness of these procedures caused extra expense and sometimes even the loss of lucrative projects to competing jurisdictions able to move more quickly. Bill C-45 responded to these long-standing concerns by making two changes: (1) replacing approval by order-in-council by approval of the Minister of Aboriginal Affairs; and (2) replacing the requirement for a majority of a majority with simple majority rule – the same way the chiefs of first nations are elected.

These amendments do not force first nations to do anything. They only make it easier for those who want to lease land to do so. And only leasing is involved; the rules governing sales of reserve land remain unchanged.

The House of Commons standing committee on aboriginal affairs considered these amendments on Nov. 19, and several prominent aboriginal leaders gave evidence. All agreed that the changes would streamline the designation process. Some wanted to dispense with community referendums and federal approval altogether, thus giving first nations the same power to manage their lands that Canadian municipal governments enjoy. Even the lawyer representing the Assembly of First Nations cautiously endorsed the substance of the amendments while opposing their passage, saying there hadn't been adequate consultation with first nations.

SOURCE D

Klein, Naomi. "Dancing the World into Being: A Conversation with Idle No More's Leanne Simpson." *Yes! Magazine*. Positive Futures Network. 5 March, 2013. Web. Mar 19, 2013.

The author is a Canadian journalist, writer, and social activist known for her political analyses and criticism of corporate globalization. In this article she interviews a Native academic, author, and participant in the Idle No More movement.

Naomi Klein: Let's start with what has brought so much indigenous resistance to a head in recent months. With the tar sands expansion, and all the pipelines, and the Harper government's race to dig up huge tracts of the north, does it feel like we're in some kind of final colonial pillage? Or is this more of a continuation of what Canada has always been about?

Leanne Simpson: Over the past 400 years, there has never been a time when indigenous peoples were not resisting colonialism. Idle No More is the latest—visible to the mainstream—resistance and it is part of an ongoing historical and contemporary push to protect our lands, our cultures, our nationhoods, and our languages. To me, it feels like there has been an intensification of colonial pillage, or that's what the Harper government is preparing for—the hyper-extraction of natural resources on indigenous lands. But really, every single Canadian government has placed that kind of thinking at its core when it comes to indigenous peoples.

Indigenous peoples have lived through environmental collapse on local and regional levels since the beginning of colonialism—the construction of the St. Lawrence Seaway, the extermination of the buffalo in Cree and Blackfoot territories and the extinction of salmon in Lake Ontario—these were unnecessary and devastating. At the same time, I know there are a lot of people within the indigenous community that are giving the economy, this system, 10 more years, 20 more years, that are saying "Yeah, we're going to see the collapse of this in our lifetimes."

Our elders have been warning us about this for generations now—they saw the unsustainability of settler society immediately. Societies based on conquest cannot be sustained, so yes, I do think we're getting closer to that breaking point for sure. We're running out of time. We're losing the opportunity to turn this thing around. We don't have time for this massive slow transformation into something that's sustainable and alternative. I do feel like I'm getting pushed up against the wall. Maybe my ancestors felt that 200 years ago or 400 years ago. But I don't think it matters. I think that the impetus to act and to change and to transform, for me, exists whether or not this is the end of the world. If a river is threatened, it's the end of the world for those fish. It's been the end of the world for somebody all along. And I think the sadness and the trauma of that is reason enough for me to act.

SOURCE E

Boyden, Joseph. "Abitibi Canyon." *Born With A Tooth*. Toronto: Cormorant Books, 2008. Kobo File.

The following is an excerpt from a short story by a native author, set on a reserve in Northern Ontario, told from the perspective of one of the native women.

[. . .] The tribal council had been battling over whether to let the hydro people build a dam for power. It was a big project being proposed. A year of construction. More money than I'd ever heard of was involved. How much the band would ever see was questionable. One side loved the idea -- especially the chief, Jonah Koosees. Big money for all of us, he said. New schools. New houses. Prosperity. The down side is that thousands of hectares of traditional land will be swallowed up by water. No more hunting. No control in our own country. Negative environmental impact. My husband, Patrick, he's against. He's on council. *Hookimaw* of the ones who are against Jonah. Give the *wemestikushu* a little, he knows, and they find a way to take it all. Thing is, Patrick's got a lot of history, a lot of examples to back him up. We might lose hunting ground, Jonah said to Patrick at one meeting, but just think of all the new fishing area we'll gain. Jonah's humour isn't so funny.

This battle has been going on for two years. It's split the community. It's good for our side that more on the reserve are wary of giving so much land away in return for promises. We've seen it before. No one trusts handing over all we have in return for paperwork. That's what treaties are for.

[. . .] Most were shocked that we hadn't been told of this latest venture on what everyone considers tribal land. But I wasn't. I've known Jonah Koosees for a long time. I knew as soon as my husband told me about new work crews going up there that the OK had been given by Jonah, without council even knowing about it. Rumour is Jonah's got a bank account down south that would make the Pope jealous. It's obvious by his clothes mail-ordered from Toronto and his car that he lives by other means.

SOURCE F

Royal Commission on Aboriginal Peoples (RCAP). "Lessons From the Hearings." *Report of the Royal Commission on Aboriginal Peoples*. Indian and Northern Affairs Canada. 8 February, 2006. Web. Mar. 19, 2013.

The following is a selection of statements by individuals who provided testimony during a series of hearings conducted by the Commission in 1991-1992 across Canada, and quoted in a final report originally published in 1996.

Aboriginal peoples believe, therefore, that lands and resources are their common property, not commodities to be bought and sold. Chief George Desjarlais of the West Moberly community in British Columbia told us that the principle of sharing formed the basis of arrangements made between his people and the Crown:

We are treaty people. Our nations entered into a treaty relationship with your Crown, with your sovereign. We agreed to share our lands and territories with the Crown. We did not sell or give up our rights to our land and territories. We agreed to share our custodial responsibility for the land with the Crown. We did not abdicate it to the Crown. We agreed to maintain peace and friendship among ourselves and with the Crown.

Chief George Desjarlais , West Moberly First Nation, Fort St. John, British Columbia, 20 November 1992

Aboriginal people also understand the treaties as instruments through which land-based livelihood and future self-sufficiency for themselves and the newcomers were secured. The late John McDonald, then Vice-Chief of the Prince Albert Tribal Council, stated emphatically that Aboriginal peoples never gave up their right to take part in the governance and management of lands and resources:

If the wealth of our homelands was equitably shared with us and if there is no forced interference in our way of life, we could fully regain and exercise our traditional capacity to govern, develop and care for ourselves from our natural resources. This is what was intended by the Creator, this is what our elders believe to be the true significance of our treaties. First Nations agreed to share the wealth of their homelands with the Crown, the Crown agreed to protect the First Nations and their homelands from forced interference into their way of life, i.e., culture, economy, social relations, and provide development and material assistance.

Vice-Chief John McDonald, Prince Albert Tribal Council , La Ronge, Saskatchewan, 28 May 1992

Many non-Aboriginal Canadians, however, interpret the treaty relationship differently. To Andy Von Busse of the Alberta Fish and Game Association, a modern society calls for modern rules and relationships:

We respectfully suggest that traditions are something that changes in all societies. As an example, Treaty 6 and Treaty 7 Indians in Alberta traditionally subsisted through the hunting of buffalo and, of course, that tradition is not something that could be carried out today because of other changing circumstances.

We feel that the principle of wildlife conservation must override that of treaty rights. Subsistence hunting and fishing should only be allowed in those areas where access to other food sources is limited. Today's realities are that most Canadians, whether status or otherwise, live within a reasonable driving distance of grocery stores. The reality is today, again the use of high-powered rifles, night lighting, four-by-four vehicles allow access and success that could not have been foreseen at the time that the treaties were signed.

Andy Von Busse , Alberta Fish and Game Association, Edmonton, Alberta, 11 June 1992

A basic consequence of such differences of opinion about the treaty relationship is that what Aboriginal people see as traditional land use areas, society considers to be lands and resources under public government. Public servants base their actions on the assumption that the Crown ultimately holds title to and hence jurisdiction over lands and resources, even those included within claims settlement agreements:

By encouraging the involvement of residents in renewable resource management, the Department has not compromised its mandate of managing resources ... Even within land claim agreements, the Minister of Renewable Resources retains the final say in accepting management decisions.

Joe Hanly , Deputy Minister of Renewable Resources, Yellowknife, Northwest Territories, 9 December 1992

Implicit in this perspective is the idea that lands and resources can be separated into distinct units of specific rights of ownership and use by governments, private individuals and corporations. Glen Pinnell of Abitibi-Price Ltd. stressed the importance of the existing arrangements for resource industries and for their employees and their communities:

With the resource, it is important to all the communities. It is important to the livelihood of the mill. If the resource is not there, then there is no possibility for investing in the mill. In order to have the mill, there has to be the right or the commitment to have that resource.

Glen Pinnell , Abitibi-Price Ltd., Fort Alexander, Manitoba, 30 October 1992

The Commission was reminded throughout the hearings that non-Aboriginal Canadians have developed their own identity, history, sense of community, and ties to lands and resources. Don McKinnon, a prospector from Timmins, Ontario, spoke about the lives and livelihood of residents of rural and northern Canada:

Most people work in the north, and especially northern Ontario, because they like it. They work in resource industries and they enjoy the outdoors, for recreation such as skiing, snowmobiling, fishing and hunting. They also like the clean air and fresh water. They are just as concerned as the Aboriginal about environmental issues and preserving the land and its wildlife. Forestry and mining depend on secure long-term access to Canada's land base ... I love the fresh water and stately trees and clean air and fruitful land. I want my children and my grandchildren to develop the same strong feelings for the land. More than that, I pledge that there will be a place for them in Northern Ontario.

Don McKinnon, Timmins, Ontario, 5 November 1992

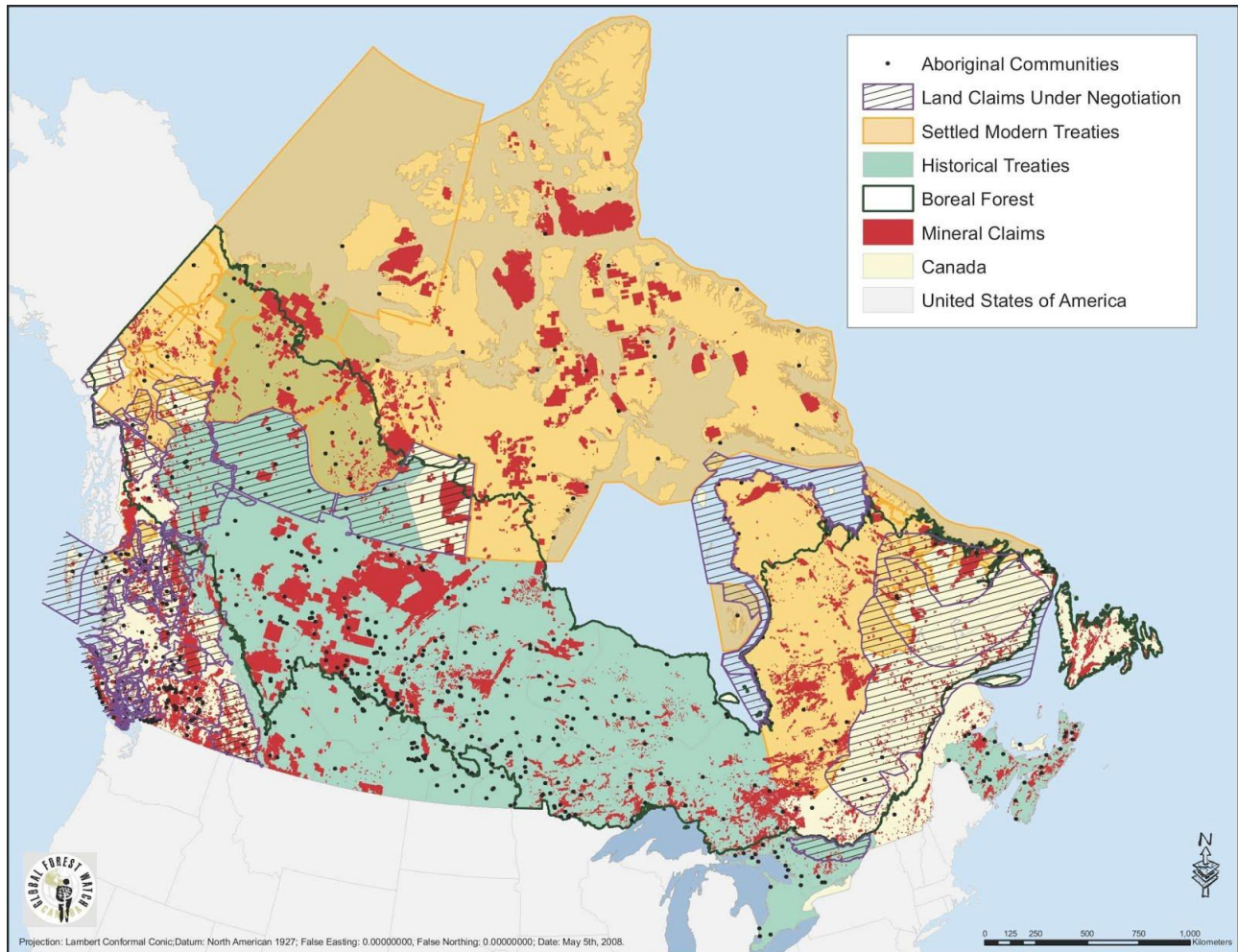
This perspective is understood by Aboriginal people, who are attempting to address issues of land and resource development within their own communities. Gilbert Cheechoo, a Cree from Moose Factory on James Bay, pointed out the error of assuming that Aboriginal people are automatically opposed to development:

So a lot of people get mixed up ... when we talk about resource development: the Indians want to keep their culture, the Indians want to trap on that land when they are sitting on a million dollars worth of gold. That is not the only thing we are talking about. There are debates going on in our reserves right now, our communities, about resource development. But a lot of non-Native people don't know that because they don't take the initiative to find out if our people are talking about these things. They assume that everybody is against them saying, "They want to take our land. They want to take our rights to explore and to take resource development out ... ". Resource development is a big issue that they talk about in our communities. What are we going to do? Some people say, "Well, we should go and negotiate and try to get a deal." Some people say "no."

Gilbert Cheechoo , Timmins, Ontario, 6 November 1992

SOURCE G

International Boreal Conservation Campaign. "Mineral Claims and Aboriginal and Treaty Rights in Canada's Boreal Forest." Map. *Mineral Exploration Conflicts In Canada's Boreal Forest*. The Pew Charitable Trusts. 5 May 2008. Web. Mar. 19 2013.



NOTE: Below is a reminder of the categories / essential criteria for which this synthesis assessment will be evaluated. You will be provided with a full rubric during the 30m polishing period on April 10.

Thinking: organization and development of logical and coherent argument, including: establishing and developing claims and reasons; progressing logically

Application: deployment of evidence to support arguments, including: selection of a range of relevant examples and specifics from the minimum required number of sources (plus any additional examples); explanation / linking of evidence to arguments

Communication: clarity, diction / style and overall organization in line with briefly revised in-class handwritten writing at this level