

Aboriginal Self-Government in Canada

Current trends and issues
3rd edition

edited by Yale D. Belanger

Purich Publishing Limited, Saskatoon, Saskatchewan, Canada Copyright © 2008 Yale D. Belanger Copyright to the individual chapters is held by the authors of the chapters.

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means without permission in writing from the publisher, except by a reviewer who may quote brief passages in a review, or in the case of photocopying or other reprographic copying, a license from ACCESS (Canadian Copyright Licensing Agency) in Toronto. All inquiries and orders regarding this publication should be addressed to:

PURICH

Purich Publishing Ltd.

Box 23032, Market Mall Post Office, Saskatoon, sk, Canada, s7J 5H3 Phone: (306) 373-5311 Fax: (306) 373-5315 Email: purich@sasktel.net

Website: www.purichpublishing.com

Library and Archives Canada Cataloguing in Publication

Aboriginal self-government in Canada: current trends and issues / edited by Yale D. Belanger. — 3rd ed.

(Purich's aboriginal issues series)
Previous eds. edited by John H. Hylton.
Includes bibliographical references and index.
ISBN 978-1-895830-32-3

- Native peoples—Canada—Politics and government.
- 2. Native peoples—Canada—Government relations.
- Native peoples—Legal status, laws, etc.—Canada.
- 1. Belanger, Yale Deron, 1968- 11. Series.

E92.A266 2008

323.1197 071

C2008-900416-7

Cover design, book design, and layout by Duncan Campbell. Editing and index by Ursula Acton. Printed in Canada by Houghton Boston Printers & Lithographers.

URLs for websites contained in this book are accurate to the time of writing, to the best of the authors' knowledge.

The publishers gratefully acknowledge the assistance of the Government of Canada through the Book Publishing Industry Development Program and the Government of Saskatchewan through the Cultural Industries Development Fund in the production of this book.

This book is printed on 100% post-consumer recycled and ancient forest friendly paper.

Acknowledgements—i
Foreword—John H. Hylton—iii
Introduction—Yale D. Belanger—vii

PART 1: AN INTRODUCTION TO ABORIGINAL SELF-GOVERNMENT

- I. Reconciling Solitudes: A Critical Analysis of the Self-Government Ideal

 —Yale D. Belanger & David R. Newhouse—I
- 2. Treaty Governance—James (Sákéj) Youngblood Henderson—20
- 3. Regaining Recognition of the Inherent Right of Aboriginal Governance

 —Bradford W. Morse—39
- 4. Contesting Indigenous Peoples Governance: The Politics of State-Determination vs. Self-Determining Autonomy

 —Roger Maaka & Augie Fleras—69

PART II: Understanding Aboriginal Self-government

- 5. From Panacea to Reality: The Practicalities of Canadian Aboriginal Self-Government Agreements

 —Ken S. Coates & W.R. Morrison—105
- 6. A Critical Analysis of the Royal Commission on Aboriginal Peoples Self-Government Model
 —James Frideres—123
- "We Rise Again:" Métis Traditional Governance and the Claim to Métis Self-Government —Larry Chartrand—145
- 8. The Future of Fiscal Federalism:
 Funding Regimes for Aboriginal Self-Government
 —Frances Abele & Michael J. Prince—158

PART III: TRENDS IN THE IMPLEMENTATION OF SELF-GOVERNMENT

- Community Healing and Aboriginal Self-Government

 —Josee Lavoie, John O'Neil, Jeff Reading, & Yvon Allard—172
- 10. Unfinished Business: Self-government and the James Bay
 Northern Quebec Agreement Thirty Years Later—Gabrielle Slowey—206
- II. Self-Government in Nunavut—Ailsa Henderson—222
- 12. Cowessess First Nation: Self-Government, Nation Building, and Treaty Land Entitlement—Robert Alexander Innes & Terrence Ross Pelletier—240
- 13. Government on the Métis Settlements: Foundations and Future Directions
 —Catherine Bell & Harold Robinson—260
- 14. First Nations Satellite Reserves: Capacity-Building and Self-Government in Saskatchewan—Joseph Garcea—287

PART IV: ISSUES AND DEBATES

- 15. Constitutionalizing the Space to be Aboriginal Women: The *Indian Act* and the Struggle for First Nations Citizenship—*Jo-Anne Fiske*—309
- 16. The Significance of Building Leadership and Community Capacity to Implement Self-Government—Brian Calliou—332
- 17. Where is the Law in Restorative Justice?—Val Napoleon, Angela Cameron, Colette Arcand, & Dahti Scott—348
- 18. Aboriginal Education and Self-Government: Assessing Success and Identifying the Challenges to Restoring Aboriginal Jurisdiction for Education—Jean Paul Restoule—373

PARTY: FUTURE PROSPECTS

Future Prospects for Aboriginal Self-Government in Canada
 Yale D. Belanger—395

Contributors—415

Index—419