POL484F (2018)
Indigenous-Settler Relations in Canada: Monitoring Progress toward Reconciliation

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Office hours: Wednesday 3-5 PM, Sidney Smith Hall, Room 3040; tel. 416-978-8220
Seminar: Monday, 10 AM - 1 PM, Larkin 214

Course description

This course critically examines the goal of Indigenous-Settler reconciliation in Canada as read through the Calls to Action of the Truth and Reconciliation Commission (TRC) of Canada. Our focus will be on the TRC call to use the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) as the framework for reconciliation. After problematizing the concept of “reconciliation” and examining the TRC framework for achieving it, we will study UNDRIP’s construction of Indigenous rights, with a focus on the relationship between human rights, rights against discrimination, and collective rights. We will examine the principle of collective self-determination, its connection to Indigenous legal and political traditions, and the enormous gap between that principle and the legal order established by the Indian Act. We will also focus on UNDRIP’s standard of “free, prior and informed consent” as the standard of legitimacy for state and non-state actors’ activities on traditional Indigenous territory. Finally, we will examine the treaty-making tradition as a resource for rethinking the relationship between Indigenous and settler societies. Throughout, we will reflect on how the goal of reconciliation presses us to re-examine common understandings of modern state sovereignty.

In addition to these conceptual and theoretical themes, the course has a hands-on practical purpose: to contribute to the Canadian Political Science Association’s Reconciliation project, “Monitoring Progress on the Road to Reconciliation.”\(^1\) Students will prepare original research papers on the degree to which municipal, provincial and federal governments have responded to TRC Calls to Action 43 and 44:

43. We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.

44. We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples.\(^2\)

\(^1\) For further information on the CPSA’s Reconciliation Initiatives, see https://www.cpsa-acsp.ca/committee.php.
Each student will choose a specific level of government or jurisdiction and a specific Article of UNDRIP as the topic of their final research project for the course. The class as a whole will refine the list of research topics, negotiate which student will undertake which topic, and co-develop a common presentation framework to ensure that the cumulative research output of the course contributes meaningfully to the CPSA Reconciliation agenda. In consultation with the CPSA, the class will also develop a common template for separate monitoring reports, which each student will prepare on the basis of their research paper. These reports will be forwarded to the CPSA.

**Course readings:**

All course readings are available through Quercus or online through UofT Libraries.

**Course requirements:**

- **Participation.** Each member of the seminar is expected to attend every class having carefully studied the readings and having read response essays on the Quercus site. Active, informed, and thoughtful participation in class discussion, based on a thorough reading of the assigned works, will count for **20 percent** of your mark in the course. Should you be unable to attend class because of illness, please let me know in advance, via email.

- **Response essays.** Three times during the semester, each student will prepare a 2-page (500 word) critical response to the week’s readings. These essays must be posted on the course Blackboard site no later than 6:00 PM the evening before class. Each essay will be worth 5 percent of your final mark, for a total of **15 percent.** Late response essays will not be accepted.

- **Term paper proposal.** Due in class and on Quercus, October 22, 2018. Write a four-page (~ 1000 word) proposal for your term paper, stating your thesis question and including a bibliography of the main sources you will be relying upon. Your bibliography should be comprised of at least two or three major works from the syllabus, but should also include sources from the wider literature to which you have been guided through your research. Proposals must be posted on the class website prior to the due date. This proposal is worth **10 percent** of your final mark. Late penalties will accrue at the rate of 1 percent per day, including weekends.

- **Comments on other students’ proposals.** Students will be assigned to provide commentaries of 1-2 pages (250-500 words) each on two other students’ proposals. These comments must be posted on the Quercus site by November 5, 2018, in order that your colleagues can take them into account in preparing their final papers. These comments will be assessed for the thoughtfulness and incisiveness of their responsiveness to proposals, and will count toward your participation mark for the course.

- **Brief presentation of final paper.** November 26, December 3 or December 6, 2018. The time allotted to your presentation will depend on the number of students enrolled in the course. Your presentation will be worth **5 percent** of your final mark.

- **Term papers.** Due by 6:00 PM on Friday, December 6, 2018, via turnitin.com. Undergraduate term papers should be 15-20 pages in length; graduate papers should be
25-30 pages. The term paper is worth 40 percent of your final mark in the course. Late penalties will accrue at the rate of 1 percent per day, including weekends.

- Monitoring report, based on the template the class develops in consultation with the CPSA, due on Quercus by 6:00 PM on Friday, December 6, 2018. The report should be based on the research presented in your term paper. It is worth 10 percent of your final mark in the course. Late penalties will accrue at the rate of 1 percent per day, including weekends.

**Academic integrity:**

Academic integrity is fundamental to learning and scholarship at the University of Toronto. Participating honestly, respectfully, responsibly, and fairly in this academic community ensures that the U of T degree that you earn will be valued as a true indication of your individual academic achievement, and will continue to receive the respect and recognition it deserves.

Please make sure you are familiar with the University of Toronto’s *Code of Behaviour on Academic Matters* ([http://www.governingcouncil.utoronto.ca/policies/behaveac.htm](http://www.governingcouncil.utoronto.ca/policies/behaveac.htm)). It is the rule book for academic behaviour at UofT, and you are expected to know the rules. I take plagiarism very, very seriously.

Normally, students will be required to submit their course essays to turnitin.com for a review of textual similarity and detection of possible plagiarism. In doing so, students will allow their essays to be included as source documents in the turnitin.com reference database, where they will be used solely for the purpose of detecting plagiarism. The terms that apply to the University’s use of the Turnitin.com service are described on the turnitin.com web site.

**Schedule of Class Meetings and Course Readings**

**Week 1: Introduction**

**Sept. 10, 2018**

**Required reading:**

**Recommended reading:**

**Week 2: The TRC Framework for Indigenous-Settler Reconciliation**  
**Sept. 17, 2018**

**Required readings:**
  - Introduction (pp. 1-22)
  - The history (pp. 37-134)
  - The challenge of reconciliation (selection, pp. 183-219)
  - Calls to Action (pp. 319-337; see esp. Calls 43 & 44)

**Recommended readings:**

**Week 3: United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**  
**Sept. 24, 2018**

**Required readings:**

**Week 4: UNDRIP in Canada**  
**Oct. 1, 2018**
Required readings:

- Bill C-262, *An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples* (as passed by the House of Commons, May 30, 2018), pp. 1-3.

Recommended reading:


**October 8: Thanksgiving Holiday (no class)**

**Week 5: The Right to Indigenous Self-Determination (UNDRIP Articles 3-5)**

*Oct. 15, 2018*

Required readings:


Recommended reading:


**Week 6: UNDRIP vs. Sec. 35(1) of the Canadian Charter of Rights and Freedoms**

*Oct. 22, 2018*

*Paper proposal due today, in class and on Quercus.*

Required readings:

**Recommended readings:**

### Week 7: The Indian Act
**Oct. 29, 2018**

**Required readings:**

**Recommended readings and videos:**
• RCAP Final Report, vol. 1, ch. 9 (“The Indian Act”) (pp. 239-312).
• Videos: “Canadian Aboriginal History: Did You Know?” Aboriginal Peoples’ Television Network (2008?) [https://www.youtube.com/watch?v=i8QmxU6lZHw](https://www.youtube.com/watch?v=i8QmxU6lZHw) & [https://www.youtube.com/watch?v=9gVCSIHq6cc](https://www.youtube.com/watch?v=9gVCSIHq6cc)

### Nov. 5: Fall Reading Week (no class)

### Week 8: UNDRIP Articles 19 and 32: Free, Prior and Informed Consent
**Nov. 12, 2018**

**Required readings:**


**Week 9: UNDRIP Article 37: Treaties**

**Nov. 19, 2018**

Required readings:

• J.R. Miller, *Compact, Contract, Covenant: Aboriginal Treaty-Making in Canada* (Toronto: University of Toronto Press, 2009), ch. 10 (“We are All Treaty People”)(available online through UofT Libraries).


Recommended reading:

• RCAP vol. 2, ch. 2 (“Treaties”) (pp. 12-104)

**Week 10: Research presentations: Federal implementation of UNDRIP**

**Nov. 26, 2018**

Suggested focus: non-discrimination and self-determination

Required readings:

• Pre-circulated drafts of research papers


**Week 11: Research presentations: Federal implementation of UNDRIP**

**Dec. 3, 2018**

Suggested focus: Free, Prior and Informed Consent

Required readings:
• Pre-circulated drafts of research papers

**Week 12: Research presentations: Provincial and Municipal implementation of UNDRIP**

**THURSDAY, Dec. 6, 2018 (Makeup Monday)**

Required readings:
- Pre-circulated drafts of research papers

Recommended readings: