

What about Cities? Containing Urban Self-Determination through the Indigenous Rights Framework

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CITIES IN WHAT IS NOW CALLED CANADA are located on Indigenous, often unceded, territories. Yet, this fact rarely enters public discourse and policy. This is not an accident or oversight, but part of a deliberate effort to keep Indigenous title, jurisdiction and rights distinct from urban areas, which are key sites of settler investment, both materially and ideologically.

The Trudeau government's "Indigenous Rights Framework" is consistent with the approach of previous governments in its silence on urban First Nations issues.

In the *Public Engagement Guide*, released earlier this year, cities are not mentioned, as if policies and mechanisms that support the exercise of inherent and treaty rights in cities were not necessary¹. This strategic omission reinforces the *Indian Act* geography of reserve-based rights. It contains Indigenous rights and their implementation based on self-serving settler-state boundaries, thus severely limiting and undermining Indigenous sovereignty.

By appearing to take cities out of the equation, the Public Engagement Guide erases Indigenous geographies and the portability of rights.

While the document guiding the engagement does not address First Nation governance in cities, the very brief (and selective) snapshot of issues raised during the engagement process between February and June 2018 points to the importance of urban issues. *What We Have Heard So Far* notes that "urban Indigenous issues were also a common theme"². The summary highlights respondents' priorities to maintain rights, access adequate resources and to learn their culture in the city. Respondents are quoted calling for urban councils and urban governance structures and rejecting pan-Indigenous approaches. The quotes also highlight the importance of Elders and the lack of political representation in cities.

What is missing from this summary are the priorities First Nations have articulated, in AFN resolution 18-2010³ for instance, such as the need for First Nation governments and jurisdiction to extend into cities and the centrality of (urban) land restitution, not necessarily within the limitations of the addition-to-reserve policy and the economic development paradigm of urban reserves.

The *Overview of a Recognition and Implementation of Indigenous Rights Framework*, released on September 10, 2018, is again silent on urban First Nation issues. The overview outlines a range of mechanisms for opting out of the Indian Act, but not, or at least not explicitly, the colonial spatialization of jurisdiction and rights. Further evidence that non-reserve and urban spaces are not included in the recognition and implementation of Indigenous rights is Canada's assertion that "the framework will not infringe on provincial or territorial jurisdiction".⁴ This assurance that the status quo of settler jurisdiction will not be affected suggests that the federal government envisions a narrow range of legislative and policy choices, as if First Nation jurisdiction did not exist outside the boundaries of reserves.

This strategy of projecting cities and towns as exclusively settler space, one layer of authority or another, is not new. The Trudeau government should be seen in continuity with previous federal governments, including its predecessor.

The Harper government's efforts to consolidate urban Indigenous policy and programming under the Urban Aboriginal Strategy (UAS) illustrated an emphasis on neoliberal goals of individual marketization and enhancing local capitalist economies. When then-Minister Prentice announced the so-called refocused UAS in 2007, he made this clear by stating that the strategy "emphasizes programs and initiatives that enable Aboriginal people to train for and gain employment – which is key to the attainment of personal aspirations and economic goals".⁵ This discourse disappears collective aspirations and Indigenous self-determination.

In a 2013 document, department officials assert that "AANDC's role in urban Aboriginal matters is not based on jurisdiction or statutory obligations, but on practical social policy to improve the well being of a large segment of the Aboriginal population"⁶, revealing again the assimilationist refusal to see cities as subject to Indigenous jurisdiction.

The Trudeau government entrenches this stance by continuing to displace Indigenous title, jurisdiction and self-determination from urban areas. The UAS morphed into Urban Programming for Indigenous Peoples in 2017, with significantly increased funding and identity-specific allocations. Increased funding and improved services designed and delivered by Indigenous agencies are needed and make a difference for Indigenous communities in cities. But this has not resulted in a departure from the assimilationist, individualizing and marketizing approach that dominates settler state policy and practices in relation to First Nation people who live in urban areas.

The federal government's policies and the new Indigenous Rights Framework, as it appears to be taking shape, reproduce the (original and ongoing) dispossession of First Nations from (urban) land and the disconnection of citizens from First Nation jurisdiction. Without implementation in towns and cities, the new framework is a strategy of containment, restricting the exercise of self-determination to the colonial confines it purports to dismantle.

ENDNOTES

- ¹Crown-Indigenous Relations and Northern Affairs Canada. 2018a. Engagement towards a recognition and implementation of rights framework. Public engagement guide. Ottawa: Government of Canada.
- ²Crown-Indigenous Relations and Northern Affairs Canada. 2018b. What we heard so far on the recognition and implementation of Indigenous rights. <https://www.aadnc-aandc.gc.ca/eng/1531408653300/1531408722719> (accessed August 27, 2018).
- ³Assembly of First Nations. Resolution 18/2010: Development of a First Nations Urban Strategy. Annual General Assembly, Winnipeg, July 20-22, 2010.
- ⁴Crown-Indigenous Relations and Northern Affairs Canada. 2018c. Overview of a Recognition and Implementation of Indigenous Rights Framework. <http://www.aadnc-aandc.gc.ca/eng/1536350959665/1536350978933> (accessed September 15, 2018).
- ⁵Indian and Northern Affairs Canada. 2007. Announcement of the renewal of the Urban Aboriginal Strategy. Speaking Notes, May 11. <http://www.ainc-inac.gc.ca/nr/spch/2007/ruas-eng.asp> (accessed March 8, 2008).
- ⁶Aboriginal Affairs and Northern Development Canada (2014) Documents obtained through ATI request A201301453_2014-03-13_15-21-55. AANDC, Ottawa.