



INTRODUCING YELLOWHEAD INSTITUTE:

Indigenous Strategies for Transformative Change

A summary of Yellowhead Institute's October 23, 2018 launch event and panel discussion on the pending *Indigenous Rights, Recognition and Implementation Framework* legislation



From left to right, top to bottom: Elder Pauline Shirt, Bill McRoberts, Hayden King and Dean Pamela Sugiman

Introducing Yellowhead Institute

ON TUESDAY, OCTOBER 23, 2018, Yellowhead Institute officially launched in Toronto with an event titled, *Indigenous Strategies on Transformative Change*. Held in collaboration with Ryerson University’s Social Justice Week, we welcomed over 90 people and hosted a panel discussion on Canada’s pending *Indigenous Rights, Recognition and Implementation Framework*.

The event was opened by Elder Pauline Shirt, Plains Cree, Red-Tail Hawk Clan, Grandmother to the Toronto Indigenous Community. The opening was followed by remarks from Pamela Sugiman, Dean of Ryerson’s Faculty of Arts, situating the Yellowhead Institute as part of the Faculty’s efforts to centre Indigenous knowledge and power within the university and society. In addition, we were honored to have Lori Yellowhead, wife of the late Vernon Yellowhead attend, along with Bill McRoberts, Hereditary Chief, Reindeer Clan (Anishinaabe) and Carrier of the Musquakie / Yellowhead Name. Bill reflected on Vernon Yellowhead’s legacy, reminding us that doing things differently but with compassion is part of the Yellowhead legacy.

“The Yellowheads have always done things differently. ... I hope that everyone associated with the Yellowhead Institute [does] things a little bit different. It's not always with the grain; sometimes it's against the grain. You have to think outside the box, and be brave and compassionate at the same time.”

- BILL MCROBERTS, HEREDITARY CHIEF, REINDEER CLAN (ANISHINAABE)
AND CARRIER OF THE MUSQUAKIE / YELLOWHEAD NAME

Indigenous Rights, Recognition and Implementation Framework

“The *Rights Framework* doesn’t just include the legislation that Justin Trudeau is proposing to introduce, but rather it’s a whole of government approach. It is total in its application across all departments and issues.”

- Hayden King, Executive Director, Yellowhead Institute

THE OFFICIAL LAUNCH CENTRED around the pending *Indigenous Rights, Recognition and Implementation Framework*, building on the **critical analysis** Yellowhead released on this topic earlier in June 2018. Hayden King and Shiri Pasternak, Executive Director and Research Director of Yellowhead, respectively, explained the Framework and analyzed it under three categories: Relationship Reform, Policy Reform and Legislative Reform.

Some of the more problematic aspects with the Framework, which our **report** outlines, include:

1. No meaningful recognition of Indigenous jurisdiction outside of reserves;
2. Does not address the spirit and intent of the historic treaties or the; outstanding title question on non-treaty lands;
3. Maintains the supremacy of the Canadian Confederation;
4. Does not open an adequate process for nation-to-nation discussions; and
5. Lack of transparency on federal decision making and planning.

Moreover, one of the pressing concerns is the protection of the rights and jurisdiction of provinces within the framework. As Hayden King stated, “It’s provinces that have the constitutional responsibility for lands and resources and if they’re not brought into this conversation, if their powers are not checked, there can be no genuine and meaningful talk about Indigenous rights.”

“It’s really a restrained vision of self-determination for Indigenous people that will essentially remake communities. [The] idea of reconstituted nations will end up looking like municipalities that are administering their own poverty without any actual restitution for the land and water dispossession that has taken place.”

- Shiri Pasternak, Research Director, Yellowhead Institute

In their concluding remarks, King and Pasternak noted that the *Rights Framework* might not be the alternative to the *Indian Act* that many First Nations are hoping for. To explore this in greater depth, we asked a panel of experts to share their thoughts on the *Framework* and how it might affect Indigenous communities.



Panel of Experts

THE LAUNCH OF YELLOWHEAD INSTITUTE was celebrated with cutting edge analysis from a panel of First Nations leaders. We invited **Gordon Peters** (Lunapeew, Turtle Clan), Deputy Grand Chief, Association of Iroquois and Allied Indians; **Courtney Skye** (Mohawk, Turtle Clan), Senior Program Analyst, Ontario Association of Children’s Aid Societies; **Khelsilem Rivers** (Skwxwú7mesh-Kwakwaka’wakw), Spokesperson and elected councillor, Squamish Nation Council; and **Tanya Kappo** (Sturgeon Lake Cree Nation) to share their thoughts on the *Indigenous Rights, Recognition and Implementation Framework*.

Here, we highlight a selection of their perspectives on three themes:

- 1. Regional Contexts, Differing Perspectives;
- 2. Exclusion of Women, Queer, Trans and Two-Spirit Perspectives; and
- 3. Treaties, Relationship, and the Land.



From left to right, top to bottom: Tanya Kappo, Gordon Peters, Courtney Skye and Khelsilem Rivers

Theme 01 | REGIONAL CONTEXTS, DIFFERING PERSPECTIVES

“...one thing I want to call out is this kind of racist narrative within mainstream discourse which states Indigenous people can’t disagree. If we disagree with each other we’re dysfunctional whereas white politicians get to disagree all the time and it’s considered normal.”

- Khelsilem Rivers, Skwxwú7mesh-Kwakwaka’wakw)
Spokesperson and elected councillor, Squamish Nation Council

GORDON PETERS, Deputy Grand Chief of the Association of Iroquois and Allied Indian (AIAI)*, shared three core reasons why AIAI has rejected the *Rights Framework* in its current form: 1. it does not respect a self-determination process for First Nations; 2. it does not respect First Nations’ inherent jurisdiction; and 3. it does not relate First Nations self-determination to international law.

“[When the government] talk[s] about certainty, they want to have no resistance to economic, to resource development, all of those things that occur on our lands and our territories. They want no resistance and no one standing in their way. That’s the goal that this process produces...”

- Gordon Peters, Lunapeew, Turtle Clan,
Deputy Grand Chief, Association of Iroquois and Allied Indians

Speaking as an elected leader from British Columbia (BC)—a province with few treaties—Khelsilem Rivers, shared a different perspective. Rivers noted that the *Rights Framework* can be an opportunity for some BC First Nations to move the needle on issues affecting their communities. For example, Rivers argued that the *Rights Framework* mandates Canadian governments to hold themselves and successive governments to account in respecting Aboriginal rights. Rivers made it clear that Indigenous peoples in Canada are allowed to differ in their opinions on political matters, including but not limited to the *Indigenous Rights, Recognition and Implementation Framework*.

Theme 02 | EXCLUSION OF WOMEN, QUEER, TRANS AND TWO-SPIRIT PERSPECTIVES

IT IS IMPOSSIBLE TO promote a decolonizing form of First Nations self-determination if young people, women, mothers, queer, trans and Two-Spirit individuals continue to be marginalized within political organizing. These points were addressed by Courtney Skye. Skye—Mohawk from the Six Nations of the Grand River Territory—outlined the gendered and heteropatriarchal forms of violence still evident in Indigenous organizing in Canada and the conditions Indigenous peoples find themselves in today due to Canada’s policy frameworks. Skye questioned the primacy given to national Indigenous organizations (i.e. the Métis National Council, the Inuit Tapiriit Kanatami, the Assembly of First Nations) in responding to the *Rights Framework* and other federal policy developments. Moreover, she noted that the voices of young people, women, mothers, queer, trans and Two-Spirit peoples have been excluded and unheard in national policy fields.

As she put it: “the push [is] from our people to transform this relationship and talk about doing things differently because it’s so evident of how harshly our communities have felt the impact of colonialism. The violence that we experience is gendered and has been gendered in many different iterations across many different generations.” The status of women, along with young people, queer, trans and Two-Spirit peoples need to be indicators of how First Nations move forward in conceptualizing and asserting ‘rights’.

"I have this kind of radical perspective that there's no precondition that Indigenous people need to meet to have basic human dignity—and that doesn't exist for women.

There's no capacity threshold that Indigenous women need to meet to engage in these discussions."

- COURTNEY SKYE, MOHAWK, TURTLE CLAN
SENIOR PROGRAM ANALYST, ONTARIO ASSOCIATION
OF CHILDREN'S AID SOCIETIES

Theme 03 | TREATY, RELATIONSHIP & THE LAND

"...to me the most important part of this is the relationship. And not just the relationship of us as First Nations people with Canada through the treaties. It's our relationship with ourselves as individuals. Myself to myself. My relationship to the land and my relationship to my family and the community."

- Tanya Kappo, Sturgeon Lake Cree Nation

AS A DIRECT DESCENDANT of signatories to Treaty Eight, Tanya Kappo spoke from a treaty perspective. She emphasized the importance of relationship and responsibility, not just economic development. According to Kappo, the treaty perspective includes an environmental covenant that speaks to a shared responsibility to the lands, water, animals and air. The recent [United Nations report on climate change](#) is dire, stating that irrevocable change is happening to the earth—essential to treaty rights is to protect what we still have. Kappo argued that First Nations must centre such analysis within the context of the *Rights Framework*; she called on such analysis to also assess the Framework for “what the government is trying to do and what they’re trying to ignore.”

There is much at stake and to be taken responsibility of, not just by First Nations but by all Canadians too.



"As long as I am leader, our position is not going to change from that of our forefathers. I do not want the responsibility for selling the rights of our children yet unborn."

-GEORGE MANUEL (1921-1989), SECWEPENIC NATION,
LEADER AND ACTIVIST

"They co-opt our language and use it, and then they play the divides...I'm calling it their trauma informed approach: they know our trauma. And they know how to exploit it and that's how they move forward"

-TANYA KAPPO, STURGEON LAKE CREE NATION

MOVING FORWARD

Unity and Allyship among First Nations

"...I can say to BC, I respect your position: how can I support you in moving forward with your efforts? And reciprocally he can say to me, I respect this position is not for you. How can we support you? Rather than it being a wedge that the government can force on us because there are some who do agree with it."

- Tanya Kappo, Sturgeon Lake Cree Nation

KHEL SILEM RIVERS paraphrased a George Manuel quote to express his view that all First Nations have the right and responsibility to consider what their non-negotiables are when it comes to the framework. Weighing the wellbeing of future generations as a barometer for that decision is what informs his own perspective. Similarly, though with different end results, Gordon Peters' and the AIAI approach is to ask communities, "What's important to you? Is the land important to you?...is the way that you have the right to be age to raise your children important to you, the way you educate your children, are all these ways important to you in the way you think you should improve this for the future? Now is this going to be a difficult task? Then you must reject the framework."

The different perspectives of the panel were real and yet, also contextualized within the strategic and ongoing colonial tactics of the Canadian government. For Courtney Skye, the framing of the framework as being 'co-developed' directly contradicts the idea of autonomy and sovereignty—"it's necessarily creating codependency within policy and legislative design whereas sovereignty is just doing it on your own."

Tanya Kappo also highlighted the danger of how divisively the current government is operating, stating, "I feel like instead of trying to think about the fundamental changes that need to be made at that constitutional level, what [government does] instead is study us. They study the movements, they befriend the people.... They co-opt our language and use it, and then they play the divides...I'm calling it their trauma informed approach: they know our trauma. And they know how to exploit it and that's how they move forward"

Instead of allowing the government to push a wedge between First Nations with differing views, there needs to be a balance between the idea of unity across all First Nations and allyship.

On one level, this means Indigenous political forces and progressive political forces articulating a vision—one that takes into consideration intersectionalities and diverse positions—and mobilizing tools and resources to proactively implement that vision. Among First Nations, this means actively practicing allyship to leverage each others positions.



In Conclusion

“We ask that, in your doings, that you be kind to one another; be kind to one another. Be compassionate. And be generous. Because those are the teachings that [the Yellowheads] have always exemplified in life.”

- Bill McRoberts, Hereditary Chief, Reindeer Clan (Anishinaabe) and Carrier of the Musquakie / Yellowhead Name

WHILE A GREAT DEAL more was shared, what we’ve shared here is reflective of the analysis that Yellowhead Institute aims to uphold and honour in its work moving forward.

The *Indigenous Rights, Recognition and Implementation Framework* surely will not be the last major policy developed for First Nations peoples by the Canadian state. The Institute’s mandate is to serve First Nations self-determination interests in ways that maintains rigorous analysis on policy issues. With this in mind, we keep knowledge holder Pauline Shirt’s closing words in mind as we move forward: “[we] have very, very beautiful, amazing teachers along the way that help us you know, to help us when we veer off the road. They remind us and that’s what these young people are doing.”

Pauline left us with an important reminder: the struggle continues.

“So I want you, each and every one of you to remind yourself [to] use your medicine bundles to... the best of your abilities and you know what? You have all the answers in there. We all have the answers in there.”



To learn more about the *Rights Framework* and the Yellowhead Institute, please visit:

WWW.YELLOWHEADINSTITUTE.ORG

Yellowhead Institute is a First Nation-led research centre based in the Faculty of Arts at Ryerson University in Toronto, Ontario. Privileging First Nation philosophy and rooted in community networks, Yellowhead is focused on policies related to land and governance.