



## **DARTMOUTH COLLEGE**

**Native American Studies/ Department of Government**

**NAS 36/GOV 60.2 – Fall 2012 (12 Hour)**

### **Indigenous Nationalism: Native Rights and Sovereignty**

**Professor:** Dale Turner

**Classroom:** 101 Fairchild

**Office:** 202 Sherman House **Phone:** 646-0324

**Office Hours:** T 12:00-12:30, Th12:00-12:30 (preferably by appointment)

#### **Course Description:**

The recently ratified United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) has changed the face of international Indigenous politics. In this course, we will examine and compare contemporary Indigenous politics in Canada, New Zealand, and Australia (with the occasional glance to the United States). In these four “settler” states, Indigenous peoples *de facto* possess some “special” form of political recognition. In Canada, the rights of Aboriginal peoples are explicitly protected in the Canadian Constitution; in New Zealand, the political relationship between the Maori and European newcomers (Pakeha) is governed by the renewed principles of the 1840 Treaty of Waitangi; and, the Australian state now recognizes the legal existence of Native title in Australian law.

The course is divided into four parts. In order to gain a basic understanding of the discourse of Indigenous rights we begin by examining, in some depth, contemporary Aboriginal politics in Canada. Using Canada as a benchmark, in the second and third parts of the course we will explore recent developments in New Zealand and Australian Indigenous politics. Finally, we will examine the UN’s Declaration on the Rights of Indigenous Peoples and discuss Indigenous peoples’ “place” within a constitutional democracy.

The purpose of the seminar is to develop a greater understanding of the discourse of Indigenous rights, the nature of a cross-cultural political dialogue, the significance of historical agreements and reparations, and, of course, the meaning of justice itself. We will see that settler states share similar attitudes about the nature of Indigenous cultures, the moral and political significance of historical agreements, and especially the meaning and content of Indigenous rights, sovereignty, and nationhood.

#### **Course Reading:**

**All required readings are available on Blackboard.**

## Course Requirements:

I: Three in-class tests (Oct. 5<sup>th</sup>, Oct 19<sup>th</sup>, Nov. 9<sup>th</sup>)      60%

II: 20-page research paper (due by 1:35pm Nov. 12)      40%  
100%

Your paper topic must be chosen in consultation with me.

Before you begin your paper, I encourage you to visit the Institute for Writing and Rhetoric. They are an invaluable resource! Check out their site:

<http://www.dartmouth.edu/~writing/>

Also, please consider participating in this year's Writing Summit. This year it is being held on Oct. 2-3. You can pre-register here:

<http://www.dartmouth.edu/~writing/events/writingsummitinfo.html>

## Grading Scheme:

A 96-100	B+ 85-89.9	C+ 70-74.9	D 55-59.9
A- 90-95.9	B 80-84.9	C 65-69.9	E 0-54.9
	B- 75-79.9	C- 60-64.9	

## NAS Resource Site:

<http://researchguides.dartmouth.edu/content.php?pid=5944>

Reminder About The Honor Principle: Students are reminded that they are bound by the Honor Principle which states that "Any form of plagiarism violates the Academic Honor Principle" and that "Students are responsible for the information concerning plagiarism found in the booklet: Sources: Their Use and Acknowledgement, available in the Dean's offices."

<http://www.dartmouth.edu/~uja/honor/>

"Some students may wish to take part in religious observances that occur during this academic term. If you have a religious observance that conflicts with your participation in the course, please meet with me before the end of the second week of the term to discuss appropriate accommodations."

**Interfaith Calendar** <http://www.interfaithcalendar.org/2011.htm>

## Class Schedule

### **PART 1: Aboriginal Politics in Canada**

#### **Week 1: A Brief History of Canada**

**Mon. Sept 10<sup>th</sup>: Introduction – Course Outline**

**Weds. Sept 12<sup>th</sup>:**

**Lecture:** Confederation to the White Paper of 1969

**Reading:**

**Ken Coates**, “The Gentle Occupation: The Settlement of Canada and the Dispossession of the First Nations”

RCAP - Conceptions of History

**Fri. Sept. 14<sup>th</sup>:**

**Lecture:** The White and Red Papers (1969-1970)

**Reading:**

The White Paper

The Red Paper

**Trudeau’s Remarks,**

<http://scaa.sk.ca/ourlegacy/solr?query=ID:24992&start=0&rows=10&mode=results>

**R.W. Dunning Proposal,**

<http://scaa.sk.ca/ourlegacy/solr?query=ID:24811&start=0&rows=10&mode=results>

#### **Week 2: Aboriginal Rights (1969-1982)**

**Mon. Sept 17<sup>th</sup>:**

**Lecture:** The Logic of Aboriginal Rights

**Reading:**

**Duncan Ivison**, “The Logic of Aboriginal Rights”

**Will Kymlicka**, “Justice and Minority Rights” from *Multicultural Citizenship*

**Darlene Johnston**, “Native Rights as Collective Rights.”

**Weds. Sept 19<sup>th</sup>:**

**Lecture:** The Calder case and the discourse of Aboriginal rights

**Reading:**

**The Calder Case:**

<http://www.canlii.org/en/ca/scc/doc/1973/1973canlii4/1973canlii4.html>

**Fri. Sept 21<sup>st</sup>:**

**Lecture:** Section 35(1) of the *Canadian Constitution Act, 1982*

**Reading:**

### **Week 3: *Van der Peet*, *Delgamuukw*, and RCAP**

**Mon. Sept. 24<sup>th</sup>:**

**Case: *Van der Peet***

**Reading:**

**Van der Peet Decision:**

<http://www.canlii.org/en/ca/scc/doc/1996/1996canlii216/1996canlii216.html>

**Michael Asch**, "From *Calder* to *Van der Peet*: Aboriginal Rights and Canadian Law, 1973-1996"

**John Borrows**, "Frozen Rights in Canada: Constitutional Interpretation and the Trickster"

**Optional Reading:**

**Russel Lawrence Barsh and James Youngblood Henderson**, "The Supreme Court's *Van der Peet* Trilogy: Naïve Imperialism and Ropes of Sand"

Brian Slattery, "Aboriginal Sovereignty and Imperial Claims"

**Weds. Sept. 26<sup>th</sup>:**

**Lecture:** The *Delgamuukw* Case and Aboriginal Title

**Delgamuukw Case:**

<http://www.canlii.org/en/ca/scc/doc/1997/1997canlii302/1997canlii302.html>

*Delgamuukw* Case (Syllabus)

**Reading:**

**Kent McNeil**, "The Meaning of Aboriginal Title"

**Kent McNeil**, "The *Post-Delgamuukw* Nature and Content of Aboriginal Title"

**Case:**

**Sparrow Case:**

<http://www.canlii.org/en/ca/scc/doc/1990/1990canlii104/1990canlii104.html>

**Fri. Sept. 28<sup>th</sup>:**

**Lecture:** The Legacy of the Royal Commission on Aboriginal Peoples (RCAP)

**Reading:**

**Royal Commission on Aboriginal Peoples Final Report:** <http://www.ainc-inac.gc.ca/ap/rrc-eng.asp>

**Jill Wherrett**, RCAP summary

**James Tully**, "A Just Relationship between Aboriginal and Non-Aboriginal Peoples of Canada"

**John Borrows**, "Domesticating Doctrines: Aboriginal Peoples After the Royal Commission"

### **Week 4: Residential Schools and the Truth and Reconciliation Commission**

**Mon. Oct. 1<sup>st</sup>:**

**Lecture:** Residential Schools and The Apology

**Readings:**

Background reading on Residential Schools, see  
<http://www.cbc.ca/news/background/truth-reconciliation/>  
Prime Minister Harper's Statement of Apology  
**Assembly of First Nations**, "Gathering Strength: Canada's Aboriginal Action Plan"

**Weds. Oct. 3<sup>rd</sup>: Review and Discussion of Research Paper Requirements**

**Lecture:** The Truth and Reconciliation Commission

**Readings:**

Readings from [http://www.trc-cvr.ca/index\\_e.html](http://www.trc-cvr.ca/index_e.html)

**Fri. Oct. 5<sup>th</sup>: In-class midterm**

## **PART 2: Maori Politics in New Zealand**

### **Week 5: A Brief History of New Zealand**

**Mon. Oct 8<sup>th</sup>:**

**Lecture:** On Historical Injustice

**Reading:**

**Jeremy Waldron**, "Superseding Historic Injustice"

**Jeremy Waldron**, "Indigeneity? First Peoples and Last Occupancy"

**Duncan Ivison**, "Historical Injustice"

**Paul Patton**, "Historical Injustice and the Possibility of Supersession"

**Weds. Oct 10<sup>th</sup>:**

**Lecture:** The Maori-Pakeha Relationship

**Reading:**

**MPK Sorrenson**, "The Settlement of New Zealand from 1835"

**Roger Maaka and Augie Fleras**, "Engaging with Indigeneity: Tino Rangatiratanga in Aotearoa"

**The Treaty of Waitangi**, <http://www.nzhistory.net.nz/category/tid/133>

**Fri. Oct. 12<sup>th</sup>:**

**Lecture:** The Treaty of Waitangi

**Reading:**

**Ranginui Walker**, "Maori Sovereignty, Colonial and Post-Colonial Discourses"

**Paul McHugh**, "From Sovereignty Talk to Settlement Time: The Constitutional Setting of Maori Claims in the 1990s"

### **Week 6: The Waitangi Tribunal**

**Mon. Oct 15<sup>th</sup>:**

**Lecture:** Maori Voices and The Waitangi Tribunal

**Reading:**

**Meredith Gibbs**, "Justice in New Zealand's Treaty of Waitangi Settlement Process"  
**The Waitangi Tribunal**, <http://www.waitangi-tribunal.govt.nz/>

**Optional Reading:**

**Andrew Sharp**, "History and Sovereignty: A Case of Juridical History in New Zealand/Aotearoa"

**Andrew Sharp**, "Recent Juridical and Constitutional Histories of Maori"

**Giselle Byrnes**, *The Waitangi Tribunal and New Zealand History (On Reserve at NAS library)*

**Weds. Oct. 17<sup>th</sup>: Review**

**Fri. Oct. 19<sup>th</sup>: Second in-class test**

### **PART 3: Australian Aboriginal Politics**

#### **Week 7: Australian Aboriginal Politics**

**Mon. Oct. 22<sup>nd</sup>:**

**Lecture:** A very brief history of Australia

**Reading:**

**Henry Reynolds**, "New Frontiers: Australia"

**Peter Russell**, Readings from *Recognizing Aboriginal Title*

**Australian History Website:** <http://www.nla.gov.au/oz/histsite.html>

**Weds. Oct. 24<sup>th</sup>: No class**

**Fri. Oct. 26<sup>th</sup>: No class**

#### **Week 8: The Mabo Cases**

**Mon. Oct. 29<sup>th</sup>: Special Guests from the Amazon – Eco-tourism in the Amazon**

**Weds. Oct. 31<sup>st</sup>:**

**Lecture:** The Eddie Mabo Story

**Reading:**

**David Ritter**, "The Rejection of *Terra Nullius*" in Mabo: A Critical Analysis"

**Mabo Website**, <http://www.mabonativetitle.com/home.shtml>

**Fri. Nov. 2<sup>nd</sup>:**

**Lecture:** Native Title in Australia

**Richard Bartlett**, "Native Title in Australia: Denial, Recognition, and Dispossession"

## **Week 9: The Apology and Reconciliation**

**Mon. Nov. 5<sup>th</sup>:**

**Lecture:** On the Nature of Reconciliation

**Reading:**

**Christine Fletcher**, "Living Together but not Neighbours"

**John Borrows**, "Practical Recolonisation?"

**Reconciliation Website**, <http://www.reconciliation.org.au/>

**Prime Minister Rudd's Apology**, <http://www.youtube.com/watch?v=xxlk-ynUT7g&feature=related>

**Weds. Nov. 7<sup>th</sup>:**

**Lecture:** The United Nations Declaration on the Rights of Aboriginal Peoples

**Reading:**

**The Declaration**

**Fri. Nov. 9<sup>th</sup>:** Third in-class test

## **Week 10: The Declaration Re-visited**

**Mon. Nov. 12<sup>th</sup>:**

**Discussion:** The Future of Indigenous Politics