
IMPLEMENTING DELGAMUUK'W

Biography of Dara Culhane

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Dara Culhane is a mother, grandmother, teacher and a writer. For the last five years she has been an assistant professor in the Department of Sociology and Anthropology at Simon Fraser University. She had previously worked as the Deputy Director of Social and Cultural Research for the Royal Commission on Aboriginal Peoples. In addition to the publication of many articles, she is the author of *An Error in Judgment: The Politics of Medical Care in an Indian/White Community* and *The Pleasure of the Crown: Anthropology, Law and First Nations*.

Good morning. I'd like to start by thanking the Coast Salish people for letting me live and work on their territories and I would like to thank the Union of B.C. Indian Chiefs for inviting me to speak at this conference. I am going to try to keep my comments brief and to the point.

I want to raise a few issues about research and the ways in which research can inform all the strategies being talked about today. Certainly, with the Delgamuuk'w decision and the kinds of guidelines and processes that are in place, the onus, as it has been said, is very much on aboriginal people to prove title, etc. Clearly, that is where most resources and most research attention will have to be placed. But I want to suggest other areas of research and I want to suggest the importance, as well as the research on aboriginal title, on a community-based research that you will be talking about for most of the next few days; that room also be made in research agendas to try to include research on the Crown and research on Crown strategies, on government strategies, on public opinion, and how public opinion is manipulated to support or undermine the strategies of First Nations people. So I want to suggest that some research time and resources also be allocated to paying attention to the kinds of positions being put forward and the reasons for them. So I am going to make some really general comments about that and then I am going to talk about four specific research projects, or processes, that I think will be important in the next few years.

The first premise for what I am talking about, I think, is that research, again, as has been said, should inform political strategy on the ground and I assume that those political strategies... there are many, both litigation, negotiation, local discussions and the shaping of public opinion. I also want to suggest that the basic premise for doing this kind of research is that indigenous peoples are experts in their own history, culture, concepts of land and property, but that also indigenous peoples have a particular expertise given their experience of colonialism and experience of living in countries like Canada in the positions in which aboriginal people have been placed. They have a particular expertise on how the government works and how Canadian society works in relation to aboriginal people, and it's that kind of knowledge that I suggest should also be a part of research agendas.

So talking at first about the really broad context in which all of the litigation, negotiations, and discussions are going on and the role of the courts in that context, one of the things that has been really explicit in recent judgments has been the court's very explicit position that their job is both to interpret the law, hear cases, render judgments, and that they also have a social and political role in trying to balance competing interests in a fair and just manner. I think it's in that question of how will they go about balancing that really important focus of research has to be.

I think the other thing that, of course, has to be kept in mind is that although there is a lot of discussion about reconciliation now, that the legal system and the legal culture in Canada is still very adversarial and that the process is an adversarial one. I think that given the adversarial nature of that process is another reason why it's important to pay a lot of attention to what both adversaries, both parties in these processes, are bringing to them.

Okay, the really broad context that I think is worth paying attention to is that often referred to as "globalization" -- and there is lots of discussion about what that means, etc. -- but for now just to pay attention to the fact that there are more and more transnational corporations and companies interested in exploiting resources on indigenous lands and that these parties and these corporate interests are exerting more and more

pressure and more and more influence on the government. I think that is not new. But the point is to figure out how in this particular period aboriginal people can strategize around that context and what that means, for claims, etc. Another important part of that context is that nation-states like Canada and like the Canadian government have less and less authority and less and less power to really adjudicate what goes on within the borders of countries like Canada, and they are more and more directed by corporations. I think you see that in a whole lot of ways, and one really important way you see that happening is the way in which the Canadian government is trying to retreat from services to people and retreat from social services and what is called the social safety net, etc. In the context of aboriginal people, that's manifested by the government's attempts to withdraw from or diminish their fiduciary obligations to aboriginal people. So I think that one of the things that the government brings to litigation and to negotiating tables is this agenda of trying to retreat from their responsibilities and obligations in that area in general. So how might these interests be reflected in strategies at the negotiating table and strategies in court, Crown strategies in court, and how might these might be reflected in public opinion? These, I think, are questions that are research questions, and that are research questions that need to be answered and investigated at the community level, as well as at government, negotiating, and legal levels.

So how could research at the community level and beyond address these particular questions? I want to suggest four areas. The first one is the mapping of the context. In this area I want to suggest that you include in your mapping projects a mapping of your territories from the perspective of corporate interests. Who are the corporate interests in your territories? What are they doing? What are their ambitions? What are their goals? What are their structures? What are their linkages, both within Canada and internationally? I think this is really important because a lot of the big corporations that are interested in lands in British Columbia are also really actively interested in indigenous lands all over the world. So I think it is important to know who they are, know what their structures are, know what their linkages are, know what their particular interests in your territories are, and know what they are doing in other countries and what are their relationships to indigenous peoples in other countries. How have they gone about exploiting indigenous lands in Australia, New Zealand, Papua New Guinea and all over the world? I think that is another opportunity, then, for aboriginal people to make connections across those borders, because while the corporations are making a lot of linkages and connections in talking to each other everyday, I think it is also important for indigenous people to have that kind of international strategy where they're sharing information and finding out what the agendas, strategies, tactics, etc., of corporations are and what kinds of ways other indigenous peoples have found to address these interests. Some of this information can practically be gotten from contacts from other aboriginal organizations, also can practically be gotten from Chambers of Commerce, from the corporations themselves -- from their annual reports, from their reports to shareholders, etc. In other words, there is a whole body of information available, and I notice in the materials from the conference that there are guidelines in some of these materials about conducting practical research in this area, in this mapping of corporate interests.

The second specific project I wanted to suggest be included in research agendas is that of media research. Here again the issue of public opinion and the way in which public opinion can be manipulated and can then shape in a lot of really important ways I think is really clear, especially to us in B.C., if we look at how the public debate, or lack of public debate, on the Delgamuuk'w decision has taken place and then how the debate on the Nisga'a proposed treaty has been really manipulated by the media. And in this example, if you look at the way the media presentation of the issues around the Nisga'a treaty has been, I think you see a really clear pattern and one that I think requires a strategic response based in research. And that is that, not only have the non-aboriginal people and representatives dominated the debate on the Nisga'a treaty in the public eye -- I'm talking about in the public media -- they have dominated the debate by virtue of having more air time, more column space, more attention by the media. But they have also dominated the debate by defining the agenda, by setting out what are the questions, what are the main issues. There they have talked about whether or not it is a constitutional amendment, whether or not it is race-based law, whether or not the monies are too much, etc. All of which are important issues and it's really important that they be responded to, as they have been by people arguing in support of indigenous rights and in support of aboriginal positions. But I think it is also important to not allow them to seize the agenda, because in doing so they limit the debate to responding to the questions that they have already set. In that process all kinds of other voices, Union of B.C. Indian Chief's position for example, has been really excluded from the public media and excluded from public debate by the media, so that, you know, when I have been going around talking to non-aboriginal people about this debate,

they don't know any other positions except the ones they read in the papers. They don't know about the broader issues. So I think that it's important in dealing with media to both respond and to try to take control of the agenda as well.

The third area that I want to suggest is one of an inventory, or a critical inventory, of research that has already been done, or is in the process of being done. There's been a lot of research in many First Nations communities for the last several years conducted under a really wide range of guidelines, procedures, processes. You know, usually what happens is that the funding comes from a particular branch of government for a particular purpose. The terms and conditions of the researcher are defined by that government program to begin with, and often the research is under-resourced, under-funded, and all kinds of research gets done. I think it's important for people to really look at what has been done, for a number of reasons: one, to see whether or not there is useful research there that you can do and not use your resources to duplicate work that's already been done; secondly, to really evaluate the quality of the work that's been done and what the results have been, what use it has been; thirdly, to be aware of the fact that a lot of that research is also available to the Crown and is also available to the governments and that they will be using this research and you need to be able to account for it and explain it.

The fourth area that I just wanted to quickly talk about was local research on models of reconciliation. This is an area where I think that indigenous people, as I said, have a great deal of knowledge and expertise. I think a lot of effort has gone into examining the role of government, etc. But I think that research is also possible and productive in the area of doing life history research, for example, and talking to Elders and talking to people of all ages about their relations with non-aboriginal people and situations, models, processes in which some levels of mutual respect and mutual recognition have been achieved by people in everyday life in the working out of everyday life issues. I think from that kind of a base of peoples' experience reconciliation models can be built that start at that basis. So that is what I have to say. Thank you again.