



## UBCIC Resource Centre

### NEW BOOKS – April 2011

Allen, Stephen and Alexandra Xanthaki, eds. *Reflections on the UN Declaration on the Rights of Indigenous Peoples*. Oxford and Portland: Hart Publishing, 2011.

“The adoption of the Declaration on the Rights of Indigenous Peoples by the United Nations General Assembly on 13 September 2007 was acclaimed as a major success for the United Nations system given the extent to which it consolidates and develops the international corpus of indigenous rights. This is the first in-depth academic analysis of this far-reaching instrument. Indigenous representatives have argued that the rights contained in the Declaration, and the processes by which it was formulated, obligate affected States to accept the validity of its provisions and its interpretation of contested concepts (such as 'culture', 'land', 'ownership' and 'self-determination'). This edited collection contains essays written by the main protagonists in the development of the Declaration; indigenous representatives; and field-leading academics. It offers a comprehensive institutional, thematic and regional analysis of the Declaration. In particular, it explores the Declaration's normative resonance for international law and considers the ways in which this international instrument could catalyse institutional action and influence the development of national laws and policies on indigenous issues.” [Abstract from back of book]

Anaya, S. James. *International Human Rights and Indigenous Peoples*. New York: Aspen Publishers, 2009.

“This exciting new book is the only one of its kind. *International Human Rights and Indigenous Peoples* (Aspen Elective Series) will be the first published compilation of materials and commentary intended for use in courses focusing on the subject of indigenous peoples within the international human rights system. S. James Anaya, co-author of the well-known casebook, *International Human Rights: Problems of Law, Policy and Practice*, uses carefully edited material from varied sources to illustrate the major issues facing indigenous peoples today.

This unique addition to the Elective Series features:

- complete or edited versions of all the major contemporary international documents concerning indigenous peoples—declarations, treaties, decisions, and interpretive statements by international human rights and other institutions on the topic—placed in the context of relevant historical antecedents.

- materials highlighting the major issues concerning indigenous peoples, including issues of self-determination, culture, lands and resources, collective rights, state responsibility for historical wrongs, and the meaning of the “indigenous” rubric. The issues are then linked to actual cases concerning or situations faced by indigenous groups.
- edited materials from a range of authors along with insightful commentary providing in-depth discussion of the issues and developments
- discussion of the international and domestic mechanisms by which human rights norms concerning indigenous peoples are implemented. This provides students with an understanding of the practical implications of the norms and their potential strategic value.
- background material on the authority and workings of the various international institutions that are addressing indigenous issues, enabling students to understand the legal or political significance of the relevant developments and place those developments within the broader context of the international human rights system

An invaluable resource for any course dealing with international human rights, *International Human Rights and Indigenous Peoples* (Aspen Elective Series) has just the right mix of institutional and case material, historical background and recent developments, and perceptive commentary.” [Abstract from publisher’s website]

Beier, J. Marshall, ed. *Indigenous Diplomacies*. New York: Palgrave MacMillan, 2009.

“Recent years have witnessed the emergence of a small but growing scholarly literature on the inter-national diplomacies of Indigenous peoples by, among others, international relations scholars, international legal theorists, and historians. Much of this work has been inwardly preoccupied with broad conceptual questions raised by the ‘discovery’ of Indigenous peoples as increasingly important global political actors. The contributors to this volume move from the disciplinary implications of Indigenous diplomacies to consider more directly the character and effect of those diplomacies themselves, what is unique about them, and what accounts for their coming into currency and their increasing influence in various global political fora and across a range of inter-national issues.” [Abstract from back of book]

Carlson, Keith Thor. *The Power of Place, the Problem of Time: Aboriginal Identity and Historical Consciousness in the Cauldron of Colonialism*. Toronto: University of Toronto Press, 2010.

“In *The Power of Place, the Problem of Time*, Keith Thor Carlson re-thinks the history of Native-newcomer relations from the unique perspective of a classically trained historian who has spent nearly two decades living, working, and talking with the StA3: IA peoples. StA3: IA actions and reactions during colonialism were rooted in their pre-colonial experiences and customs, which coloured their responses to events such as smallpox outbreaks or the gold rush. Profiling

tensions of gender and class within the community, Carlson emphasizes the elasticity of collective identity. A rich and complex history, *The Power of Place, the Problem of Time* looks to both the internal and the external factors which shaped a society during a time of great change and its implications extend far beyond the study region.” [Abstract from publisher’s website]

Carriere, Jeannine, ed. *Aski Awasis / Children of the Earth: First Peoples Speaking on Adoption*. Halifax and Winnipeg: Fernwood Publishing, 2010.

“The adoption of Aboriginal children into non-Aboriginal families has a long and contentious history in Canada. Life stories told by First Nations people reveal that the adoption experience has been far from positive for these communities and has, in fact, been an integral aspect of colonization. In an effort to decolonize adoption practices, the Yellowhead Tribal Services Agency (YTSA) in Alberta has integrated customary First Peoples’ adoption practices with provincial adoption laws and regulations. Introducing this unique agency, the authors outline the history of First Nations adoptions and, through an interview with a YTSA Elder, describe the adoption ceremonies offered at YTSA. Themes that emerged from interviews with adoptive parents and youth who have been adopted through this new integrated practice are also explored, and important recommendations for policy and practice in First Nations adoption are offered.” [Abstract from back of book]

Charters, Claire, Rodolfo Stavenhagen, eds. *Making the Declaration Work: the United Nations Declaration on the Rights of Indigenous Peoples*. Copenhagen: International Work Group for Indigenous Affairs, 2009.

"The UN Declaration on the Rights of Indigenous Peoples is a culmination of a centuries-long struggle by indigenous peoples for justice. It is an important new addition to UN human rights instruments in that it promotes equality for the world's indigenous peoples and recognizes their collective rights. This book tells the story of the Declaration from the inside, detailing its history, negotiations, content and broader significance.

The Declaration is the fruition of the work of scores of individuals over more than 25 years of protracted and intense negotiations. In a first for multi-lateral human rights negotiations, indigenous peoples, as rights-bearers, sat alongside UN and governmental leaders and diplomats, driving the recognition of their rights under international law.

The authors of this collective book, of interest to the specialist as well as the general public, were for many years intimately involved in the Declaration process. It tells the story of the Declaration from the inside, detailing its history, negotiations, content and broader significance. Contributions come from the world over ranging from indigenous activists, to members of the Human Rights

Council and its various working groups and mechanisms, as well as UN and governmental officials who engineered the process from beginning to end." [Abstract from back of book]

Chartrand, Paul L.A.H., ed. *Who Are Canada's Aboriginal Peoples: Recognition, Definition, and Jurisdiction*. Saskatoon: Purich Publishing Ltd., 2002.

"Who are the Aboriginal peoples of Canada? Who decides? How many are there, and where do they live?"

The 1982 amendments to the Canadian Constitution recognize and affirm "the existing aboriginal and treaty rights of the aboriginal peoples of Canada", specifically the Indian, Inuit and Métis peoples. This book is about the legal and policy issues that must be confronted if this Constitutional commitment is to be honoured. In its 1996 report, the Royal Commission on Aboriginal Peoples laid out a process to recognize and define Canada's Aboriginal peoples. The federal government has ignored it. Instead, it continues to maintain and develop the Indian Act, the legislative mechanism created for the administration of 19th century policies of colonial control over Indian reserves and their residents

Pre-eminent authors in the field canvass a range of issues, including: whether courts have a role to play in defining Aboriginality; possible interpretations of s. 91(24) of the Constitution, which assigns responsibility for "Indians and lands reserved to Indians" to the federal government; and the examination and analysis of the international concept of recognition, as it has been applied to American Indian tribes and how Canada might learn from the experience. Timely, up-to-date, and forward-looking, the analysis in this book will provide an essential conceptual frame of reference with which to measure the future development of Aboriginal legal policy respecting recognition, definition and jurisdiction in Canada.

Paul L.A.H. Chartrand is a Métis from Manitoba. A professor at the College of Law, University of Saskatchewan, he has held teaching and other academic appointments in Canada, the United States, Australia, and New Zealand. He has served on the Royal Commission on Aboriginal Peoples, the Aboriginal Justice Implementation Commission (Manitoba), and was president of the Institute on Indigenous Government. He has authored numerous publications, including a book on Métis land rights." [Abstract from back of book]

Cole, Jean Murray, ed. *This Blessed Wilderness: Archibald McDonald's Letters from the Columbia, 1822-44*. Vancouver: UBC Press, 2001.

"The twenty-five years between 1821 and 1846 were turbulent but important years in the history of the fur trade in the Pacific Northwest: 1821 saw the merger

of the Hudson's Bay Company and the North West Company, and 1846 saw the signing of the Oregon Treaty, which established the Canada-U.S. border.

Archibald McDonald was a man who experienced these changes first hand. As a senior HBC officer, he was sent to the Columbia District headquarters at Fort George in 1821 to oversee the recently absorbed NWC posts and assets. After the merger, McDonald went on to direct operations at Thompson River (1826-28), Fort Langley (1828-33), and Fort Colvile (1833-44).

During his tenure in the Pacific Northwest, letters were McDonald's only link with the outside world. Collected here for the first time by Jean Murray Cole, these public and private letters to friends, business colleagues, missionaries, botanists, and many others provide a fascinating narrative of the expansion of the fur trade at a critical time in its history.

McDonald's witty and ironic style makes these informative letters highly readable and entertaining. They are an invaluable primary resource for historians of the fur trade and the Pacific Northwest, anthropologists, geographers, and specialists in native studies. More general readers will be fascinated by these amusing snapshots of early settlement in the Pacific Northwest." [Abstract from back of book]

Davis, Lynne, ed. *Alliances: Re/Envisioning Indigenous-non-Indigenous Relationships*. Toronto: University of Toronto Press, 2010.

"When Indigenous and non-Indigenous activists work together, what are the ends that they seek, and how do they negotiate their relationships while pursuing social change? *Alliances* brings together Indigenous and non-Indigenous leaders, activists, and scholars in order to examine their experiences of alliance-building for Indigenous rights and self-determination and for social and environmental justice.

The contributors, both Indigenous and non-Indigenous, come from diverse backgrounds as community activists and academics. They write from the front lines of struggle, from spaces of reflection rooted in past experiences, and from scholarly perspectives that use emerging theories to understand contemporary instances of alliance. Some contributors reflect on methods of mental decolonization while others use Indigenous concepts of respectful relationships in order to analyze present-day interactions. Most importantly, *Alliances* delves into the complex political and personal relationships inherent in both Indigenous and non-Indigenous struggles for social justice to provide insights into the tensions and possibilities of Indigenous-non-Indigenous alliance and coalition-building in the early twenty-first century." [Abstract from Publisher's website]

Engle, Karen. *The Elusive Promise of Indigenous Development: Rights, Culture, Strategy*. Durham and London: Duke University Press, 2010.

“Around the world, indigenous peoples use international law to make claims for heritage, territory, and economic development. Karen Engle traces the history of these claims, considering the prevalence of particular legal frameworks and their costs and benefits for indigenous groups. Her vivid account highlights the dilemmas that accompany each legal strategy, as well as the persistent elusiveness of economic development for indigenous peoples. Focusing primarily on the Americas, Engle describes how cultural rights emerged over self-determination as the dominant framework for indigenous advocacy in the late twentieth century, bringing unfortunate, if unintended, consequences.

Conceiving indigenous rights as cultural rights, Engle argues, has largely displaced or deferred many of the economic and political issues that initially motivated much indigenous advocacy. She contends that by asserting static, essentialized notions of indigenous culture, indigenous rights advocates have often made concessions that threaten to exclude many claimants, force others into norms of cultural cohesion, and limit indigenous economic, political, and territorial autonomy.” [Abstract from back of book]

Gover, Kirsty. *Tribal Constitutionalism: States, Tribes, and the Governance of Membership*. Oxford: Oxford University Press, 2010.

“Recognized tribes are increasingly prominent players in settler state governance, but in the wide-ranging debates about tribal self-governance, little has been said about tribal self-constitution. Who are the members of tribes, and how are they chosen? Tribes in Canada, Australia, New Zealand and the United States are now obliged to adopt written constitutions as a condition of recognition, and to specify the criteria used to select members. *Tribal Constitutionalism* presents findings from a comparative study of nearly eight hundred current and historic tribal constitutions, most of which are not in the public domain.

Kirsty Gover examines the strategies adopted by tribes and states to deal with the new legal distinction between indigenous people (defined by settler governments) and tribal members (defined by tribal governments). She highlights the important fact that the two categories are imperfectly aligned. Many indigenous persons are not tribal members, and some tribal members are not legally indigenous. Should legal indigenous status be limited to persons enrolled in recognized tribes? What is to be done about the large and growing proportion of indigenous peoples who are not enrolled in a tribe, and do not live near their tribal territories? This book approaches these complex questions head-on.

Using tribal membership criteria as a starting point, this book provides a critical analysis of current political and sociolegal theories of tribalism and indigeneity, and draws on legal doctrine, policy, demographic data and tribal practice to provide a comparative evaluation of tribal membership governance in the western settler states.” [Abstract from book jacket]

Hall, Anthony J. *Earth into Property: Colonization, Decolonization, and capitalism*. Montreal: McGill-Queen's University Press, 2010.

“Earth into Property: The Bowl with One Spoon, Part Two explores the relationship between the dispossession of Indigenous peoples and the making of global capitalism. Beginning with Christopher Columbus's inception of a New World Order in 1492, Anthony Hall draws on a massive body of original research to produce a narrative that is audacious, encyclopedic, and transformative in the new light it sheds on the complex historical processes that converged in the financial debacle of 2008 and 2009.

Bridging huge expanses of chronology and geography, character and circumstance, Hall explores multiple motifs of globalization through a wide array of interpretive lenses. In the process the author brings fresh perspectives to our understanding of empire builders like Magellan, John Jacob Astor, Theodore Roosevelt, Henry Ford, and Adolf Hitler. Hall balances his history of imperial globalization with an attentive focus on the prophets and proponents of decolonization, from Tecumseh to Martin Luther King Jr., from Gandhi to Nelson Mandela, to Sitting Bull and Splitting The Sky.

With the dismantling of the formal empires of Europe after the Second World War, the US corporate state moved to fill the vacuum of power. Hall shows that the US government, in seeking to replicate its role in the Cold war by mounting the Global War on Terror, is extending trajectories of conquest that began with invasions of Indian nations to further the expansionary course of American Empire.” [Abstract from publisher's website]

Hartley, Jackie, Paul Joffe, and Jennifer Preston, eds. *Realizing the UN Declaration on the Rights of Indigenous Peoples: Triumph, Hope, and Action*. Saskatoon: Purich Publishing Ltd., 2010.

“Adopted by the UN General Assembly on 13 September 2007, the *United Nations Declaration on the Rights of Indigenous Peoples* affirms the “minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.” The *Declaration* responds to past and ongoing injustices suffered by Indigenous peoples worldwide. It provides a strong foundation for improved relationships with states, and for the full recognition of the inherent rights of Indigenous peoples. Despite this, Canada is one of the few countries to oppose the *Declaration*.

The contributors to this collection analyze the development of the *Declaration*, recall the triumph of its adoption, and illustrate the hopes and actions for its implementation. The discussion moves beyond Canadian borders to the international stage, providing accessible information and guidance on the *Declaration* and how it can be used to advance human rights. Policy makers, Indigenous communities, politicians, academics, lawyers, human rights advocates,

NGOs, and anyone interested in the significance of the *Declaration* will find this to be a valuable resource.

Contributors include Indigenous leaders, legal scholars and practitioners, state representatives, and representatives from NGOs, with extensive knowledge of and experience in Indigenous peoples' human rights law, policy, and practice.”  
[Abstract from back of book]

Henderson, James (Sa'ke'j) Youngblood. *Indigenous Diplomacy and the Rights of Peoples: Achieving UN Recognition*. Saskatoon: Purich Publishing Limited, 2008.

“Despite centuries of sustained attacks against their collective existence, Indigenous peoples represent over 5,000 languages and cultures in more than 70 nations on six continents. Most have retained social, cultural, economic, and political characteristics distinct from other segments of national populations. Yet recognition of their humanity and rights has been a struggle to achieve.

Based on personal experience, James (Sa'ke'j) Youngblood Henderson documents the generation-long struggle that led ultimately to the adoption of the Declaration of the Rights of Indigenous Peoples by the United Nations General Assembly. Henderson puts the Declaration and the struggles of Indigenous peoples in a wider context, outlining the rise of international law and how it was shaped by European ideas, the rise of the United Nations, and post-World War II agreements focusing on human rights.

Henderson analyzes the provisions of the Declaration and comments on the impact of other international agreements on Indigenous peoples. He concludes with his view of what must be done to give the Declaration its full force for Indigenous peoples around the world, and what it means for Canada. The full text of the Declaration and selected excerpts of other key international agreements are included.” [Abstract from back of book]

Johnstone, Gerry and Daniel W. Van Ness, eds. *Handbook of Restorative Justice*. Portland: Willan Publishing, 2007.

“This book provides a comprehensive and authoritative account and analysis of restorative justice, one of the most rapidly growing phenomena in the field of criminology and justice studies.

This book aims to meet the need for a comprehensive, reliable and accessible overview of the subject. It draws together leading authorities on the subject from around the world in order to:

- elucidate and discuss the key concepts and principles of restorative justice
- explain how the campaign for restorative justice arose and developed into the influential social movement it is today

- describe the variety of restorative justice practices, explain how they have developed in various places and contexts, and critically examine their rationales and effects
- identify and examine key tensions and issues within the restorative justice movement
- brings a variety of disciplinary and interdisciplinary perspectives to bear upon the understanding and assessment of restorative justice.

*The Handbook of Restorative Justice* is essential reading for students and practitioners in the field.” [Abstract from amazon.com]

Kennedy, Dorothy and Randy Bouchard. *The Lil’wat World of Charlie Mack*. Vancouver: Talonbooks, 2010.

“Early in their ethnographic work, Randy Bouchard and Dorothy Kennedy were privileged to meet Charlie Mack. Born on the Mount Currie Reserve in 1899, he was a fascinating character and a font of wisdom, exemplifying by his way of life, his skills in trapping and canoe-making, and his knowledge of the history of his people, the living world of the Lil’wat, which the young ethnologists were able to record on tape and in their notes and photographs. Most important among what Charlie Mack gave them was a wide corpus of stories; he was a master storyteller, holding his listeners spellbound with his animated and dramatic delivery in both Lil’wat and English.

Charlie Mack’s stories were originally recorded in his native language as part of a systematic government-sponsored effort to create public awareness of the threatened indigenous languages of British Columbia and Washington State, and were eventually published as a highly popular translated and edited collection, *Lillooet Stories* (1977), by the British Columbia Archives.

More time spent with Charlie Mack before his death in 1990 revealed to Kennedy and Bouchard that his worldview embedded a moral code, information about the environment and the self-evident truths of his world not easily comprehended out of context: an interweaving of myth, history and experience invoked in daily conversation and deeply rooted in a sense of place. Now, two decades after Charlie Mack’s passing, the authors present a selection of his English renditions of some of these stories, drawing on their transcribed interviews, correspondence and field notes to re-contextualize the narratives he wanted to share, and guide the reader to a more holistic understanding of this Lil’wat elder’s world.

This book is a tribute to a long friendship; the result of the authors reflecting on a lifetime of listening to a man who had something to say.” [Abstract from back of book]

Lerat, Harold, and Linda Ungar. *Treaty Promises, Indian Reality: Life on a Reserve*. Saskatoon: Purich Publishing Ltd., 2005.

“The vast open plains of the prairies drew thousands of settlers to the Canadian West. But what of the people who already inhabited these lands? The federal government promised to care for the Indians in perpetuity and in return, the nomadic Indians would sign treaties, settle on reserves, and learn to be farmers. Many Indians, including those led by Chief Cowessess, camped and hunted in the Cypress Hills where there was plenty of game, water, and wood. Forced out of the Hills by the government and driven by hunger to a reserve in the Qu'Appelle Valley, Cowessess and his people were successful farmers, but they had little control over what was supposed to be their land.

The story of life on reserves after treaty is a story of power: the power of Indian Affairs. Indian agents controlled every aspect of life on and off reserve - the dreaded pass system and permission slips needed to sell farm produce, or not as it suited the agents; the instructors whose job it was to transform Indian hunters into farmers; the residential school system, and the questionable surrender of reserve land. Yet, this book does not make a political statement. It does not judge the actions of the government, its agents, or anyone else. In an ever-respectful voice, this book relates things as they were, and points to the many successes of Indian peoples despite the many challenges they faced.

This book is a story of triumph over adversity and oppression. In this very personal account of life on an Indian reserve and in residential schools, Harold LeRat, with the assistance of writer Linda Ungar, relates the history of the Cowessess people based on stories told by elders, research he did in connection with the land surrender, and his own recollections. In many ways, this book provides a look at the Indian reality of the lives of many First Nations peoples and the development of reserves on the Prairies. Anyone interested in the history of the west will treasure this book.” [Abstract from back of book]

Manitonquat. *The Original Instructions: Reflections of an Elder on the Teachings of the Elders, Adapting Ancient Wisdom to the Twenty-First Century*. Bloomington, IN: Author House, 2009.

“Human beings have forgotten their instructions’

That is how many of the Native elders responded to Manitonquat when he traveled the continent over forty years ago seeking answers to the questions “What is wrong with people? Why is there war, violence, oppression, greed, injustice, poverty, indifference and destruction of the environment?” Sitting with and listening to many elders of First Nations from all parts of North America, he began to form a clearer idea of what they often called “the Original Instructions”. All of Creation is formed by them – what some refer to as Natural Law, Dharma, or Tao.

In addition to what is hardwired in our living cells by DNA, human beings learn other instructions about living and relating through the teachings of the communities where they are raised. Those instructions for successful and happy relationships with families and communities and with all life, the Earth and the Cosmos, were passed down through the generations by elders of the indigenous peoples, who lived successfully and happily by them until they were invaded by newer cultures of domination, oppression and greed.

These elders are becoming more rare as fewer and fewer young people have access to their wisdom and more and more follow the destructive ways of the dominant culture in materialism and self-centeredness. Manitonquat, a Wampanoag elder now in his 80th year, is a direct link to the old ways of the people. In a culture of domination there is more violence, more fear, more isolation, and less love and happiness than in the old ways of all people at one time, ways of cooperation and equality, of respect and relatedness and thanksgiving.” [Abstract from back of book]

Matthews, Duncan. *Intellectual Property, Human Rights and Development: The Role of NGOs and Social Movements*. Cheltenham, Glos: Edward Elgar Publishing Ltd., 2011.

“Based on extensive research in Geneva, Brazil, India and South Africa, the book reveals how coalitions of NGOs and broader social movements have played a crucial role in addressing the impact of intellectual property rights on development, often by using human rights to frame debates and in legal arguments before national courts.” [Abstract from back of book]

Miller, Robert J., et al. *Discovering Indigenous Lands: the Doctrine of Discovery in the English Colonies*. Oxford: Oxford University Press, 2010.

“This book presents new material and shines fresh light on the under-explored historical and legal evidence about the use of the doctrine of discovery in Australia, Canada, New Zealand and the United States.

North America, New Zealand and Australia were colonized by England under an international legal principle that is known today as the doctrine of discovery. When Europeans set out to explore and exploit new lands in the fifteenth through to the twentieth centuries, they justified their sovereign and property claims over these territories and the indigenous peoples with the discovery doctrine. This legal principle was justified by religious and ethnocentric ideas of European and Christian superiority over the other cultures, religions, and races of the world. The doctrine provided that newly-arrived Europeans automatically acquired property rights in the lands of indigenous peoples and gained political and commercial rights over the inhabitants. The English colonial governments and colonists in North America, New Zealand and Australia all utilized this doctrine, and still use it today to assert legal rights to indigenous lands and to assert control over indigenous peoples.” [Abstract from back of book]

Mills, P. Dawn. *For Future Generations: Reconciling Gitxsan and Canadian Law*. Saskatoon: Purich Publishing Ltd., 2008.

“Relying extensively on the court transcripts from *Delgam’Uukw v. British Columbia*, her own research, and material provided by the Gitxsan Hereditary Chiefs’ office, Dawn Mills paints a compelling picture of the Gitxsan relationship to the land and their community, and their court battle all the way to Canada’s Supreme Court to prove their Aboriginal right to land and self-government. Contrary to the position taken by many legal scholars, Mills argues that the trial judgment in the *Delgam’Uukw* decision opened up new opportunities for First Nations people to present evidence based on oral traditions that had not been previously accepted by the courts.

While the book focuses on the judgments rendered in the Gitxsan’s struggle in the courts and an analysis of the judgments and strategies utilized, it is more than a law book. Written to appeal to a wide audience, Dawn Mills passionately shows how reconciliation can be achieved between Canada’s First Nations and the various levels of government. The lessons to be learned from this book can be applied equally to all Indigenous communities in Canada and elsewhere.”  
[Abstract from back of book]

Nelson, Melissa K., ed. *Original Instructions: Indigenous Teachings for a Sustainable Future*. Rochester, Vermont: Bear & Company, 2008.

“For millennia the world’s indigenous peoples have acted as guardians of the web of life for the next seven generations. They’ve successfully managed complex reciprocal relationships between biological and cultural diversity. Awareness of indigenous knowledge is reemerging at the eleventh hour to help avert global ecological and social collapse. Indigenous cultural wisdom shows us how to live in peace--with the earth and one another.

*Original Instructions* evokes the rich indigenous storytelling tradition in this collection of presentations gathered from the annual Bioneers conference. It depicts how the world’s native leaders and scholars are safeguarding the original instructions, reminding us about gratitude, kinship, and a reverence for community and creation. Included are more than 20 contemporary indigenous leaders--such as Chief Oren Lyons, John Mohawk, Winona LaDuke, and John Trudell. These beautiful, wise voices remind us where hope lies.” [Abstract from back of book]

Newman, Dwight G. *The Duty to Consult: New Relationships with Aboriginal Peoples*. Saskatoon: Purich Publishing Ltd., 2009.

“Canada’s Supreme Court has established a new legal framework requiring governments to consult with Aboriginal peoples when contemplating actions that may affect their rights. The nature of the duty is to be defined by negotiation, best

practices, and future court decisions. According to Professor Newman, good consultations are about developing relationships and finding ways of living together in the encounter that history has thrust upon us.

Professor Newman examines Supreme Court and lower court decisions, legislation at various levels, policies developed by governments and Aboriginal communities, and consultative round tables that have been held to deal with important questions regarding this duty. He succinctly examines issues such as: when is consultation required; who is to be consulted; what is the nature of a “good” consultation; can consultation be carried out by quasi-judicial agencies and third parties; to what extent does the duty apply in treaty areas; and what duty is owed to Métis and non-status Indians? Professor Newman also examines the evolving duty to consult in international law, similar developments in Australia, and the philosophical underpinnings of the duty.” [Abstract from back of book]

Palmater, Pamela D.. *Beyond Blood: Rethinking Indigenous Identity*. Saskatoon: Purich Publishing Ltd., 2011.

“Author Pamela Palmater argues that the Indian Act's registration provisions (will lead to the extinguishment of First Nations as legal and constitutional entities. The current status criteria contain descent-based rules akin to blood quantum that are particularly discriminatory against women and their descendants.

Beginning with an historic overview of legislative enactments defining Indian status and their impact on First Nations, the author examines contemporary court rulings dealing with Aboriginal rights and the Canadian Charter of Rights and Freedoms in relation to Indigenous identity. She also examines various band membership codes to determine how they affect Indigenous identity, and how their reliance on status criteria perpetuates discrimination. She offers suggestions for a better way of determining Indigenous identity and citizenship and argues that First Nations themselves must determine their citizenship based on ties to the community, not blood or status.

Dr. Palmater teaches politics at Ryerson University and holds a JSD in law from Dalhousie University. She was denied Indian status as a Mi'kmaq because her grandmother married a non-Indian.” [Abstract from back of book]

Podruchny, Carolyn and Laura Peers, eds. *Gathering Places: Aboriginal and Fur Trade Histories*. Vancouver: UBC Press, 2010.

“British traders and Ojibwe hunters. Cree women and their metis daughters. Explorers and anthropologists and Aboriginal guides and informants. These people, their relationships, and their complex identities and worldviews were not featured in histories of North America until the 1970s, when scholars from multiple disciplines began to bring new perspectives and approaches to bear on the past.

Gathering Places presents some of the most innovative and interdisciplinary approaches to metis, fur trade, and First Nations history being practised today. Whether they are discussing dietary practices on the Plateau, trees as cultural and geographical markers in the trade, the meanings of totemic signatures, issues of representation in public history, or the writings of Aboriginal anthropologists and historians, the authors link archival, archaeological, material, oral, and ethnographic evidence to offer novel explorations that extend beyond earlier scholarship centred on the archive. They draw on Aboriginal perspectives, material forms of evidence, and personal approaches to history to illuminate cross-cultural encounters and challenge older approaches to the past.

These fascinating essays on aspects of the history of Rupert's Land mark a significant departure from the old paradigm of history writing and will serve as models for recovering and communicating Aboriginal and cross-cultural experiences and perspectives." [Abstract from back of book]

Pommersheim, Frank. *Broken Landscape: Indians, Indian Tribes, and the Constitution*. Oxford: Oxford University Press, 2009.

"Broken Landscape is a sweeping chronicle of Indian tribal sovereignty under the United States Constitution and the way that legal analysis and practice have interpreted and misinterpreted tribal sovereignty since the nation's founding. The Constitution formalized the relationship between Indian tribes and the United States government--a relationship forged through a long history of war and land usurpation--within a federal structure not mirrored in the traditions of tribal governance. Although the Constitution recognized the sovereignty of Indian nations, it did not safeguard tribes against the tides of national expansion and exploitation

As Broken Landscape demonstrates, the federal government has repeatedly failed to respect the Constitution's recognition of tribal sovereignty. Instead, it has favored excessive, unaccountable authority in its dealings with tribes. The Supreme Court has strayed from its Constitutional roots as well, consistently issuing decisions over two centuries that have bolstered federal power over the tribes.

Frank Pommersheim, one of America's leading scholars in Indian tribal law, offers a novel and deeply researched synthesis of this legal history from colonial times to the present, confronting the failures of constitutional analysis in contemporary Indian law jurisprudence. Closing with a proposal for a Constitutional amendment that would reaffirm tribal sovereignty, Pommersheim challenges us to finally accord Indian tribes and Indian people the respect and dignity that are their due." [Abstract from back of book]

Reder, Deanna and Linda M. Morra, eds. *Troubling Tricksters: Revisioning Critical Conversations*. Waterloo, Ontario: Wilfred Laurier University Press, 2010.

“*Troubling Tricksters* is a collection of theoretical essays, creative pieces, and critical ruminations that provides a re-visioning of trickster criticism in light of recent backlash against it. The complaints of some Indigenous writers, the critique from Indigenous nationalist critics, and the changing of academic fashion have resulted in few new studies on the trickster. For example, *The Cambridge Companion to Native American Literature* (2005), includes only a brief mention of the trickster, with skeptical commentary. And, in 2007, Anishinaabe scholar Niigonwedom Sinclair (a contributor to this volume) called for a moratorium on studies of the trickster irrelevant to the specific experiences and interests of Indigenous nations.

One of the objectives of this anthology is, then, to encourage scholarship that is mindful of the critic’s responsibility to communities, and to focus discussions on incarnations of tricksters in their particular national contexts. The contribution of *Troubling Tricksters*, therefore, is twofold: to offer a timely counterbalance to this growing critical lacuna, and to propose new approaches to trickster studies, approaches that have been clearly influenced by the nationalists’ call for cultural and historical specificity.” [Abstract from back of book]

Richardson, Benjamin J, Shin Imai and Kent McNeil, eds. *Indigenous People and the Law: Comparative and Critical Perspectives*. Oxford and Portland: Hart Publishing, 2009.

“*Indigenous Peoples and the Law* provides an historical, comparative and contextual analysis of various legal and policy issues affecting Indigenous peoples. It focuses on the common law jurisdictions of Australia, Canada, New Zealand and the United States, as well as relevant international law developments. Edited by Benjamin J Richardson, Shin Imai, and Kent McNeil, this collection of new essays features 13 contributors including many Indigenous scholars, drawn from around the world. The book provides a pithy overview of the subject-matter, enabling readers to appreciate the seminal issues, precedents and international legal trends of most concern to Indigenous peoples.

The first half of *Indigenous Peoples and the Law* takes an historical perspective of the principal jurisdictions, canvassing, in particular, themes of Indigenous sovereignty, status and identity, and the movement for Indigenous self-determination. It also examines these issues in an international context, including the Inter-American human rights regime and the 2007 UN Declaration on the Rights of Indigenous Peoples. The second part of the book canvasses some contemporary issues and claims of Indigenous peoples, including land rights, mobility rights, community self-governance, environmental governance, alternative dispute resolution processes, the legal status of Aboriginal women and the place of Indigenous legal traditions and legal theory.

Although an introductory volume designed primarily for readers without advanced understanding of Indigenous legal issues, *Indigenous Peoples and the Law* should also appeal to seasoned scholars, policy-makers, lawyers and others who are knowledgeable of such issues in their own jurisdiction and wish to learn more about developments in other places.” [Abstract from back of book]

Roy, Susan. *These Mysterious People: Shaping History and Archaeology in a Northwest Coast Community*. Montreal: McGill-Queen’s University Press, 2010.

“Archaeologists studying human remains and burial sites of North America's Indigenous peoples have discovered more than information about the beliefs and practices of cultures - they have also found controversy. *These Mysterious People* shows how Western ideas and attitudes about Indigenous peoples have transformed one culture's ancestors, burial grounds and possessions into another culture's 'specimens,' 'archaeological sites,' and 'ethnographic artifacts,' in the process disassociating natives from their own histories.

Focusing on the Musqueam people and a contentious archaeological site in Vancouver, *These Mysterious People* details the relationship between the Musqueam and researchers from the late-nineteenth century to the present. Susan Roy traces the historical development of competing understandings of the past and reveals how the Musqueam First Nation used information derived from archaeological finds to assist the larger recognition of territorial rights. She also details the ways in which Musqueam legal and cultural expressions of their own history - such as land claim submissions, petitions, cultural displays and testimonies - have challenged public accounts of Aboriginal occupation and helped to define Aboriginal rights in Canada.

An important and engaging examination of methods of historical representation, *These Mysterious People* analyses the ways historical evidence, material culture and places themselves have acquired legal and community authority.” [Abstract from back of book]

Stonier-Newman, Lynne. *Peter O’Reilly: The Rise of a Reluctant Immigrant*. Victoria: Touch Wood Editions, 2010.

“Powerful and diligent, Peter O’Reilly played a role in shaping British Columbia in the last quarter of the 1800s. An immigrant from Ireland, O’Reilly landed in Victoria during the height of the Cariboo Gold Rush and was appointed gold commissioner for BC. He held the position of county court judge, and sorted settler and Native disputes, despite often having to function as an assistant land commissioner. From 1880 to 1898, O’Reilly was the federally appointed BC Indian Reserve Lands commissioner. Many of his decisions about the location and size of Native reserves continue to be challenged in the courts to this day.

In Peter O'Reilly, we also see the private side of this industrious man, a man who enjoyed the vast wilderness for years, on horseback or by foot, on snowshoes or in a canoe. He had many acquaintances and two close friends, Sir Matthew Baillie Beggie and Edward Dewdney. He lived with his cherished wife, Caroline Trutch O'Reilly, and their children at Point Ellice House in Victoria, BC." [Abstract from publisher's website]

Talbot, Robert J. *Negotiating the Numbered Treaties: An Intellectual & Political Biography of Alexander Morris*. Saskatoon: Purich Publishing Ltd., 2009.

"Alexander Morris, the main negotiator of many of the numbered treaties on the prairies, has often been portrayed as a parsimonious agent of the government, bent on taking advantage of First Nations chiefs and councillors. Author Robert J. Talbot takes a different view. He sees Morris as a man deeply sympathetic to the challenges faced by Canada's Indigenous peoples as they sought to secure their future in the face of encroaching settlement and the disappearance of the buffalo. In Talbot's analysis, Morris held the chiefs in high esteem - he viewed them as wise and pragmatic leaders and skilled negotiators who made a convincing case for more favourable terms than Morris's colleagues in government were prepared to offer.

As Lieutenant-Governor of Manitoba and the North West Territories in the 1870s, Morris was responsible for negotiating Treaties 3 to 6, and renegotiating Treaties 1 and 2. According to Talbot, both Morris and the First Nations negotiators viewed the treaties as the basis of a new, reciprocal arrangement among those who would share the land. Indeed, by the end of his appointment, Morris was seriously at odds with a myopic federal administration that favoured inaction over honouring its treaty promises.

Talbot's research reveals Morris as a man of his time - but also a man who managed to embrace a larger concept of nationhood than successive federal governments imagined or were willing to accept. This is Morris's story, but it is equally the story of the prairie treaties and the western expansion of Canada. This book is a must read for anyone seeking to understand confederation, the western expansion of Canada, and the treaties that are so important in First Nations - governmental relations today." [Abstract from back of book]

Titley, Brian. *The Frontier World of Edgar Dewdney*. Vancouver: UBC Press, 1999.

"The Frontier World of Edgar Dewdney is a biographical study of a man who played a key role in the cataclysmic events which marked the political, social, and economic transformation of western Canada in the latter half of the nineteenth century. An immigrant adventurer seeking his fortune in the colonies, Dewdney was embroiled in the gold rushes of the 1860s, the B.C. debates on Confederation, the Riel Rebellion of 1885, political evolution in the North-West Territories, and

the Klondike gold rush.

For several years Dewdney held important public offices, such as Indian commissioner of the North-West Territories and Minister of the Interior, positions which allowed him to shape the course of events. In many ways, Dewdney's career is a metaphor for the maturing western frontier. In following his exploits, we follow the story of a region experiencing breathtaking change. Brian Titley's purpose in this book is not to praise, but to offer a critical appraisal of Dewdney as a type -- a representative of that class of adventurer who saw in the new land an unprecedented opportunity for self-aggrandisement." [Abstract from publisher's website]

Valaskakis, Gail Guthrie, Madeleine Dion Stout, and Eric Guimond, eds. *Restoring the Balance: First Nations Women, Community, and Culture*. Winnipeg: University of Manitoba Press, 2009.

"First Nations peoples believe the eagle flies with a female wing and a male wing, showing the importance of balance between the feminine and the masculine in all aspects of individual and community experiences. Centuries of colonization, however, have devalued the traditional roles of First Nations women, causing a great gender imbalance that limits the abilities of men, women, and their communities in achieving self-actualization.

*Restoring the Balance* brings to light the work First Nations women have performed, and continue to perform, in cultural continuity and community development. It illustrates the challenges and successes they have had in the areas of law, politics, education, community healing, language, and art, while suggesting significant options for sustained improvement of individual, family, and community well-being.

Written by fifteen Aboriginal scholars, activists, and community leaders, *Restoring the Balance* combines life histories and biographical accounts with historical and critical analyses grounded in traditional thought and approaches. It is a powerful and important book." [Abstract from back of book]

Wildcat, Daniel R. *Red Alert: Saving the Planet with Indigenous Knowledge*. Golden Colorado: Fulcrum Publishing, 2009

"'What the world needs today is a good dose of Indigenous realism,' says Native American scholar Daniel Wildcat in this thoughtful, forward-looking essay. *Red Alert!* seeks to debunk the modern myths that humankind is the center of creation and that it exerts control over the natural world.

Taking a hard look at the biggest problem we face today—the damaging way we live on this planet, our Mother Earth—Daniel R. Wildcat (Yuchi, Muscogee),

draws upon ancient Native American wisdom and nature-centered beliefs to advocate a modern strategy to combat global warming. Inspiring and insightful Red Alert! is a stirring call to action.” [Abstract from back of book]

Whyte, John D., ed. *Moving Toward Justice: Legal Traditions and Aboriginal Justice*. Saskatoon: Purich Publishing Ltd., 2008.

“This book aims to underscore the urgent need for Aboriginal justice reform, to suggest the outlines of the constitutional and administrative changes that will allow reform to occur, and to explore a series of specific issues that have arisen from reforms already made. It is a book for scholars, policy makers, and all those interested in or working with justice issues.” [Abstract from back of book]