

**Aboriginal Self-Government in Canada:
A Bibliography 1987-90**

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Intergovernmental Relations
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ISBN 0-88911-580-X
ISBN (Set) 0-88911-446-3

Canadian Cataloguing in Publication Data

Peters, Evelyn J. (Evelyn Joy), 1951-

Aboriginal self-government in Canada

(Aboriginal peoples and constitutional reform)

Co-published by the School of Policy Studies.

Includes bibliographical references and index.

ISBN 0-88911-580-X ISBN 0-88911-446-3 (set)

1. Indians of North America - Canada - Government relations - Bibliography. 2. Inuit - Canada - Government relations - Bibliography.* 3. Métis - Government relations - Bibliography. 4. Indians of North America - Canada - Tribal government - Bibliography. 5. Indians of North America - Canada - Legal status, laws, etc. - Bibliography. 6. Inuit - Canada - Legal status, laws, etc. - Bibliography.* 7. Métis - Legal status, laws, etc. - Bibliography. 8. Canada - Constitutional law - Bibliography. I. Queen's University (Kingston, Ont.). Institute of Intergovernmental Relations. II. Queen's University (Kingston, Ont.). School of Policy Studies. III. Title. IV. Series.

Z1209.2.C3P47 1991 016.3231'197071 C91-095253-1

ACKNOWLEDGEMENTS

The librarians at the various libraries in which I worked were most helpful. Martin Dunn allowed me to access his collection of documents on the First Ministers' Conferences. I also wish to acknowledge the skilled and capable assistance of Darrel Reid and Valerie Jarus in the production of this manuscript.

Evelyn J. Peters



CONTENTS

<i>Foreword</i>	v
<i>Acknowledgements</i>	vii
<i>Introduction</i>	ix
<i>Sommaire</i>	xi

PART I — GENERAL PAPERS

General Papers	3
----------------------	---

PART II — THE FIRST MINISTERS' CONFERENCES ON ABORIGINAL CONSTITUTIONAL MATTERS: PAPERS AND PUBLIC DOCUMENTS

General Papers	13
Federal-Provincial Meetings of Ministers and Officials	17
First Ministers' Conferences	23

PART III — FEDERAL AND PROVINCIAL APPROACHES TO ABORIGINAL SELF-GOVERNMENT

Federal and Provincial Approaches to Aboriginal Self-Government	27
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**PART IV — EXISTING SELF-GOVERNMENT AGREEMENTS AND
RELATED PAPERS**

The James Bay and Northern Quebec Agreement 31
The Sechelt Indian Band 33

**PART V — ABORIGINAL PEOPLES' APPROACHES TO
SELF-GOVERNMENT**

Developments South of 60° 37
 Status Indians 37
 Métis and Non-Status Indians 39
Developments North of 60° 41

INDICES

Author Index 47
Title Index 51

FOREWORD

The Institute of Intergovernmental Relations is pleased to publish this volume, the second of Evelyn Peters' very useful bibliographies on Aboriginal Self-Government in Canada.

The first volume, *Aboriginal Self-Government in Canada: A Bibliography 1986* was part of an Institute project entitled "Aboriginal Peoples and Constitutional Reform". This program under the direction of then Associate Director, David Hawkes, has received considerable recognition for blazing a trail of research, discussion and publication on the place of aboriginal peoples in Canada's constitutional framework. The Institute published a total of 24 publications in this program. They are listed in the back of this book. Most of this series, including the first volume of bibliography, are still in print and available from the Institute.

When this volume was first planned, aboriginal constitutional issues had suffered the setback of the failure of the First Ministers constitutional process of 1983-87, and were somewhat out of the public eye. Since the failure of the Meech Lake Accord, and the events at Oka and elsewhere involving aboriginal political struggles in 1990, the issues addressed by the Institute's initial program have become more pressing. This second bibliography should be a valuable reference for students, researchers, aboriginal and other officials and the general public in identifying information in the broad field of aboriginal self-government.

The Institute is pleased to thank the Multiculturalism Canada program of the Government of Canada and the Native Affairs Secretariat of the Government of Ontario for their financial assistance to this project.

Douglas Brown
Acting Director
Institute of Intergovernmental Relations
August 1991

INTRODUCTION

This volume provides an update to the 1986 bibliography on aboriginal self-government in Canada, published by the Institute of Intergovernmental Relations as part of the project on *Aboriginal Peoples and Constitutional Reform*. The original bibliography was produced in preparation for the 1987 First Ministers' Conference on Aboriginal Peoples and Constitutional Matters. To this end, it only included materials available in 1986. Since that date, a body of important work on aboriginal self-government has been produced. This work includes all of the documents generated for the 1987 First Ministers' Conference, and various analyses of its results and implications. Moreover, with the failure to entrench a right to aboriginal self-government in the constitution, attempts have been made to find ways of increasing levels of aboriginal self-determination apart from a constitutional amendment. These initiatives are an important aspect of contemporary approaches to aboriginal self-government in Canada.

Much of the academic literature on aboriginal self-government is scattered throughout a wide range of sources in various disciplines. Much of the non-academic literature is inaccessible to researchers. This update, in conjunction with the previous bibliography creates a central reference directory easily accessible to researchers, documents what is available for work on self-government in the major library depositories, and indicates particular locations so that researchers can arrange for loans. It is hoped that this update will provide

a useful tool for individuals interested in pursuing the topic of aboriginal self-government in Canada.

This update contains only new references, and does not reproduce the references already contained in the previous volume. It includes material produced to the end of 1990. The format is, for the most part, similar to the format of the previous bibliography, and many of the same headings are used. Because there are fewer references, some of the categories have been collapsed.

Two criteria were employed in choosing materials for inclusion in this bibliography: i) a focus on aboriginal self-government in Canada; and ii) accessibility of materials to researchers. The rationale for the choice of subject matter is contained in the introduction to the previous volume. To meet the second criteria, this bibliography contains only materials in academic publications and materials available in the Ottawa-based collections at the Department of Indian Affairs Library and Treaties and Historical Research Centre, the National Library of Canada, and the libraries of the Native Council of Canada and the Assembly of First Nations. Materials located in the latter two libraries are identified in the citations.

As was the case with the previous bibliography, newspaper articles and articles in local magazines and newsletters were not referenced. The sheer number of references involved would make any attempt to include them impractical. Work by local aboriginal groups and organizations as well as documents produced by various government departments were only included if they had been placed on one of the libraries mentioned above.

SOMMAIRE

Cet ouvrage propose une mise à jour de la bibliographie portant sur le gouvernement amérindien autonome au Canada publiée en 1986 par l'Institut des relations intergouvernementales; cette initiative faisait alors partie d'un projet consacré aux peuples autochtones et à la réforme constitutionnelle. La bibliographie originale fut réalisée en vue de la Conférence des premiers ministres de 1987 sur les peuples autochtones et les questions constitutionnelles. Depuis 1986, beaucoup de travaux ont été accomplis relativement au gouvernement amérindien autonome dont la bibliographie précédente ne put évidemment pas tenir compte. Le présent ouvrage comprend l'ensemble des documents produits ponctuellement aux fins de la Conférence des premiers ministres de 1987, ainsi que les diverses tentatives visant à analyser ses résultats et ses conséquences. Qui plus est, du fait de l'incapacité d'enchâsser dans la Constitution un droit à un gouvernement autonome pour les Amérindiens, on se sera employé plutôt à accroître l'autonomie des autochtones à défaut de pouvoir procéder à une modification constitutionnelle formelle à ce chapitre. Tous ces efforts auront contribué à enrichir singulièrement la littérature contemporaine traitant du gouvernement amérindien autonome.

La documentation universitaire relative au gouvernement amérindien autonome se trouve en grande partie éparpillée à travers un large éventail de sources couvrant diverses disciplines. La documentation non-universitaire s'avère, pour sa part, largement inaccessible aux chercheurs. Cette mise à jour, de concert avec la bibliographie antérieure, vise à permettre aux chercheurs

d'avoir accès aisément à un répertoire central de références en la matière; elle a aussi pour objectif de renseigner ces derniers sur la documentation propre au gouvernement autonome qui est disponible dans les plus importantes bibliothèques au pays; elle veut procurer enfin aux chercheurs une liste d'endroits particuliers où les emprunts sont autorisés. L'auteure fait le voeu que cette mise à jour bibliographique constituera un instrument utile pour quiconque s'intéresse à la question du gouvernement amérindien autonome au Canada.

Cette recherche tient uniquement compte des références nouvelles — allant jusqu'à la fin de 1990 —, et donc n'inclut pas les renvois déjà compilés dans le volume antérieur. De façon générale, le format de ce livre est analogue à celui de la précédente bibliographie; ainsi, plusieurs des rubriques qui furent utilisées auparavant ont été reprises dans l'ouvrage actuel. L'auteure a toutefois pris le parti d'éliminer certaines catégories comportant un nombre peu élevé de références.

Deux critères furent appliqués dans le choix du matériel relatif à cette bibliographie: i) l'accent mis sur le gouvernement amérindien autonome au Canada; et ii) l'accessibilité du matériel pour les chercheurs. La raison d'être du sujet de cette bibliographie a déjà été exposée dans l'introduction du précédent volume. Afin de se plier au second critère ci-haut, la présente bibliographie ne renvoie qu'à des publications de type universitaire ainsi qu'à la documentation disponible à Ottawa à la Bibliothèque nationale du Canada, à la bibliothèque du ministère des Affaires indiennes et du Nord, Canada, au Centre de recherches historiques et de l'étude des traités ainsi qu'aux bibliothèques du Conseil des Autochtones du Canada et de l'Assemblée des Premières Nations. Les documents qui se trouvent dans les deux dernières bibliothèques sont identifiés clairement dans les renvois.

A l'instar de la bibliographie antérieure, celle-ci ne réfère pas aux articles de journaux, aux articles parus dans des périodiques locaux ainsi qu'aux lettres des lecteurs dans les journaux. Il eut été pratiquement impossible en effet de vouloir colliger toute cette documentation dans ses moindres détails. Les travaux de réflexion effectués par des organisations ou groupes autochtones locaux, de même que les documents émanant des divers ministères gouvernementaux n'auront fait l'objet d'un renvoi que dans la mesure où ils sont disponibles dans l'une des bibliothèques mentionnées ci-haut.



Part I

General Papers



GENERAL PAPERS

1. Bartlett, Richard H. "Self-Management and Community Government". In: *Indian Reserves and Aboriginal Lands in Canada: A Homeland*. Saskatoon: University of Saskatchewan Native Law Centre; 1990: 155-180.
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 Contains:
 - i) Conchelos, Gregory; McCaskill, Donald; Milloy, John, "Introduction", pp.1-12;
 - ii) Boothroyd, Peter, "Enhancing Local Planning Skills for Native Self-Reliance: The UBC Experience" pp.13-42;
 - iii) Gibbins, Roger and Ponting, J. Rick, "Faces and Interfaces of Indian Self-Government", pp.43-62;
 - iv) Hall, Tony, "Self-Government or Self-Delusion? Brian Mulroney and Aboriginal Rights" pp.77-90;
 - v) Pobihushchy, S.I. "A Perspective on the Indian Nations in Canada", pp.105-128;
 - vi) Johnston, Eric and Longboat, Dianne, "Sovereignty, Jurisdiction and Guiding Principles in Aboriginal Education in Canada", pp.173-180.
15. Cowie, Ian B. *Future Issues of Jurisdiction and Coordination Between Aboriginal and Non-Aboriginal Governments*. Kingston: Institute of Intergovernmental Relations, Queen's University; 1987. (Background Paper; v. 13).

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- i) Hawkes, David C., "Introduction", pp. 9-16;
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- iii) Morse, Bradford, "Government Obligations, Aboriginal Peoples and Section 91 (24)", pp. 59-91;
- iv) Hawkes, David C., and Maslove, Allan M., "Fiscal Arrangements for Aboriginal Self-Government", pp. 93-137;
- v) Abele, Frances, and Graham, Katherine, "High Politics is Not Enough: Politics and Programs for Aboriginal Peoples in Alberta and Ontario", pp. 141-171;

- vi) Peters, Evelyn J., "Federal and Provincial Responsibilities for the Cree, Naskapi and Inuit Under the James Bay and Northern Quebec, and Northeastern Quebec Agreements", pp. 173-242;
 - vii) Martin, Fred V., "Federal and Provincial Responsibility in the Métis Settlements of Alberta", pp. 243-296;
 - viii) Taylor, John P. and Paget, Gary, "Federal/Provincial Responsibility and the Sechelt" pp. 297-348;
 - ix) Scott, Ian G., "Respective Roles and Responsibilities of Federal and Provincial Governments Regarding the Aboriginal Peoples of Canada", pp. 351-358;
 - x) Hawkes, David C., "Conclusion", pp. 359-367.
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- i) Rawson, Bruce, "Federal Perspectives on Indian-Provincial Relations" pp. 23-30;
- ii) Penner, Keith, "Their Own Place: A Case for a Distinct Order of Indian First Nation Government in Canada", pp. 31-37;
- iii) Boldt, Menno and Long, J. Anthony, "Native Indian Self-Government: Instrument of Autonomy or Assimilation", pp. 38-56;
- iv) Scott, Ian G. and McCabe, J.T.S., "The Role of the Provinces in the Elucidation of Aboriginal Rights in Canada", pp. 59-71;
- v) Calder, William, "The Provinces and Indian Self-Government in the Constitutional Forum". pp. 72-82;
- vi) Cardinal, Harold, "Indian Nations and Constitutional Change", pp. 83-90;
- vii) Exell, Robert, "British Columbia and the Native Community", pp. 93-101;
- viii) Spiegel, Shelley, "Ontario Provincial Native Policy and Directions", pp. 102-108;
- ix) Gourdeau, Eric, "Quebec and Aboriginal Peoples", pp. 109-126;
- x) Sanders, Douglas, "The Constitution, the Provinces and Aboriginal Peoples", pp. 151-174;
- xi) Getches, David, "Resolving Tensions between Tribal and State Governments: Learning from the American Experience", pp. 195-208;
- xii) Morse, Bradford, "Aboriginal-Government Relations in Australia and the Implications for Canada", pp. 209-221;
- xiii) Dacks, Gurston, "The Aboriginal Peoples and the Government of the Northwest Territories", pp. 222-234.

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Contains:

- i) Erasmus, Georges, "Introduction: Twenty Years of Disappointed Hopes", pp.1-42;
- ii) Mitchell, Grand Chief Michael, "Akwasasne: An Unbroken Assertion of Sovereignty", pp.105-136;
- iii) Sterritt, Neil J., "Gitksan and Wet'suwet'en: Unflinching Resistance to an Implacable Invader", pp.265-294;
- iv) Erasmus, Georges, "Epilogue: The Solution We Favour for Change", pp.295-302.

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Contains:

- i) Bish, Robert, "Community Models of Indian Government";
 - ii) Anaquod, Del, "Speech";
 - iii) Francis, Richard, "The Development of an Economic Basis for the Kingsclear Indian Nation";
 - iv) Maslove, Allan, "Financing Indian Government";
 - v) Aniol, Richard, "Fiscal Arrangements: Creating Unique Financial Transfers for Indian Governments";
 - vi) Imai, Shin, "Control of Services";
 - vii) Roessel, Faith, "American Indian Tribal Justice Systems";
 - viii) Grant, Alan, "Administration of Justice";
 - ix) Emond, Paul, "Negotiation Strategies and Dispute Resolution".
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Part II

The First Ministers' Conferences on Aboriginal Constitutional Matters: Papers and Public Documents



GENERAL PAPERS

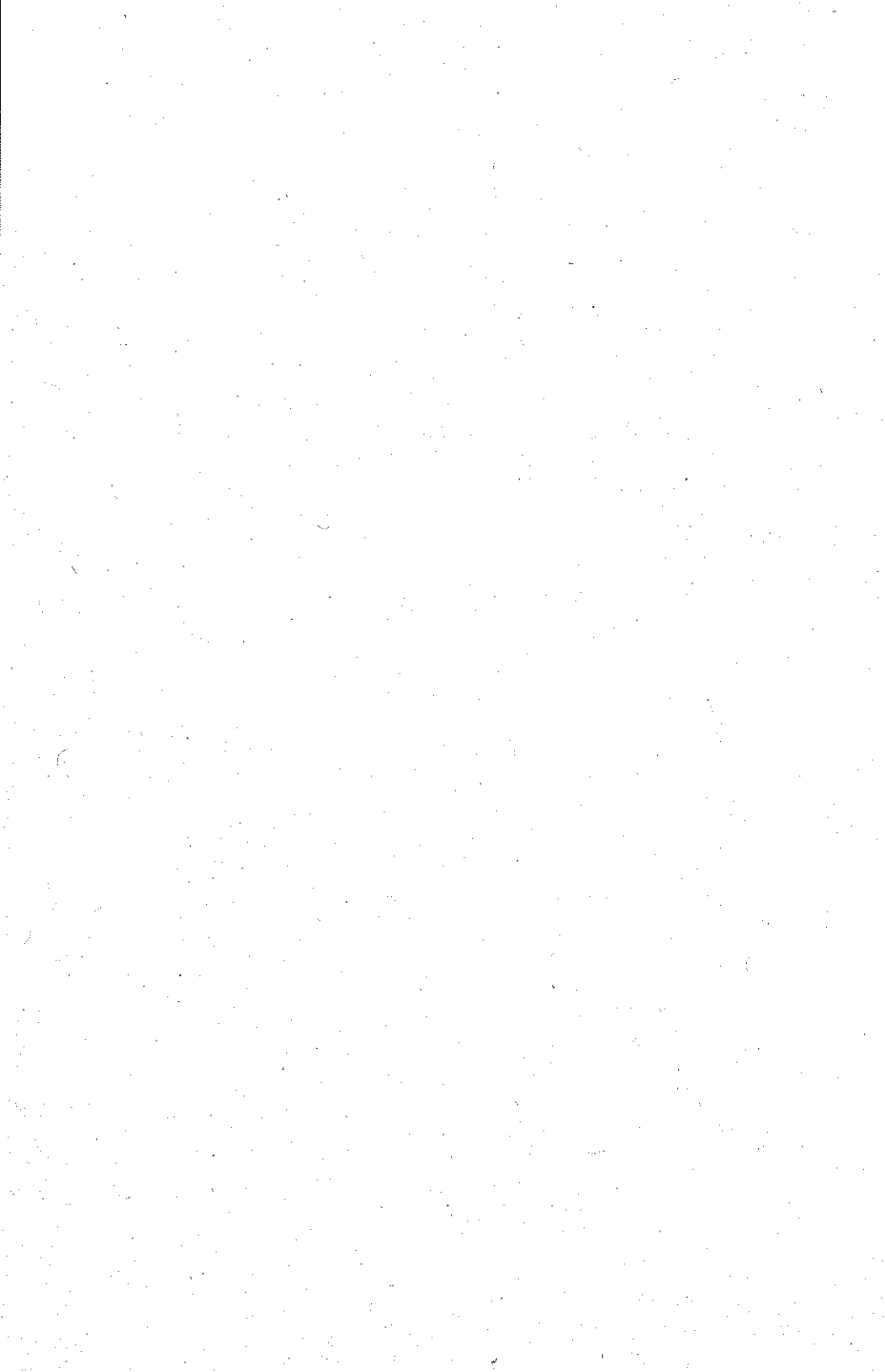
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Contains:

- i) Hatfield, Richard, "Reflections on Constitutional Reform in Canada, 1979-1987" pp.3-9;
- ii) Hawkes, David; Smith, Dan; Amagoalik, John; and Kane, Marilyn, "Accomplishments and Failures of the Aboriginal Constitutional Reform Process", pp.11-32;
- iii) McKinnon, Ian; Taylor McCullum, Karmel; McGregor, Roy, "Aboriginal Self-Government and Canadian Public Opinion", pp.33-47;
- iv) Erasmus, Georges; Bruyere, Louis; Serson, Scott; Nungak, Zebedee, "Aboriginal Rights and Canada's Future Political Agenda", pp.51-62;
- v) Amagoalik, John; Whittington, Michael; Theriault, Andy; Robertson, Gordon, "Nunavut and the National Interest", pp.67-83;
- vi) Malone, Mark and Abele, Frances, "Financing and Implementing Aboriginal Self-Government", pp.87-102;
- vii) Aldridge, Jim; Van Loon, Richard; Gordon, Mark, "Aboriginal Self-Government and the Land Claims Process", pp.105-130;
- viii) Amagoalik, John, "Remarks by John Amagoalik, Co-Chairman of the Inuit Committee on National Issues, to the House of Commons

- Standing Committee on Aboriginal and Northern Affairs, 10 March, 1987", pp.147-152;
- ix) Decima Research Ltd., "A Summary of Canadian Attitudes Towards Aboriginal Self-Government, A Study for the Inuit Committee on National Issues, 9 March 1987", pp.157-160.
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- Contains:
- i) "The Search for Accomodation", pp. 5-20;
 - ii) Penner, Keith, "The Politics of Aboriginal Self-Government", pp. 21-28;
 - iii) Menczer, Micha, "Discussion", pp. 29-31;
 - iv) Ponting, J. Rick, "Political Obstacles and Opportunities in Public Opinion Pertaining to Aboriginal Constitutional Reform", pp. 35-48;
 - v) Simeon, Richard, "Aboriginal Self-Government and Canadian Political Values", pp. 49-56;
 - vi) Lyon, Noel, "Comments on Constitutional Interpretation", pp. 57-58;
 - vii) Little Bear, Leroy, "Self-Government and the Canadian Political System", pp. 59-62;
 - viii) Pentney, William, "Discussion", pp. 63-64;
 - ix) Starr, Vina, "Discussion", pp. 67-73;
 - x) Whyte, John, "The Aboriginal Self-Government Amendment: Analysis of Some Legal Obstacles";
 - xi) Pentney, William, "Discussion", pp. 87-89;
 - xii) Diamond, Billy, "The James Bay Crees and the Financing of Aboriginal Self-Government" pp. 93-96;

- xiii) Groves, Robert, "The Engine of Agreement: Financing Aboriginal Self-Government" pp. 97-110;
 - xiv) Stewart, Ian, "Discussion", pp. 111-12;
 - xv) Ponting J. Rick, "Discussion", pp. 113-114;
 - xvi) Hawkes, David C., "Discussion" pp. 115-116;
 - xvii) Cowie, Ian B., "Issues of Jurisdiction Between Aboriginal and Non-Aboriginal Governments" pp. 119-125;
 - xviii) Hawkes, David C., "Conclusion — Explaining the Failure and Learning From It", pp. 127-132.
61. Jull, Peter. "How Self-Government Must Come: Detailed Work to Make Aboriginal Self-Government Operational is the Necessary Path to Progress after the Failure of the Constitutional Conference". *Policy Options/Politiques*; 1987; 8(6): 10-13.
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66. Federal-Provincial Meeting of Senior Officials on Aboriginal Constitutional Matters. *Public Documents*; June 12, 1986; Ottawa. Ottawa: Canadian Intergovernmental Conference Secretariat; 1987.
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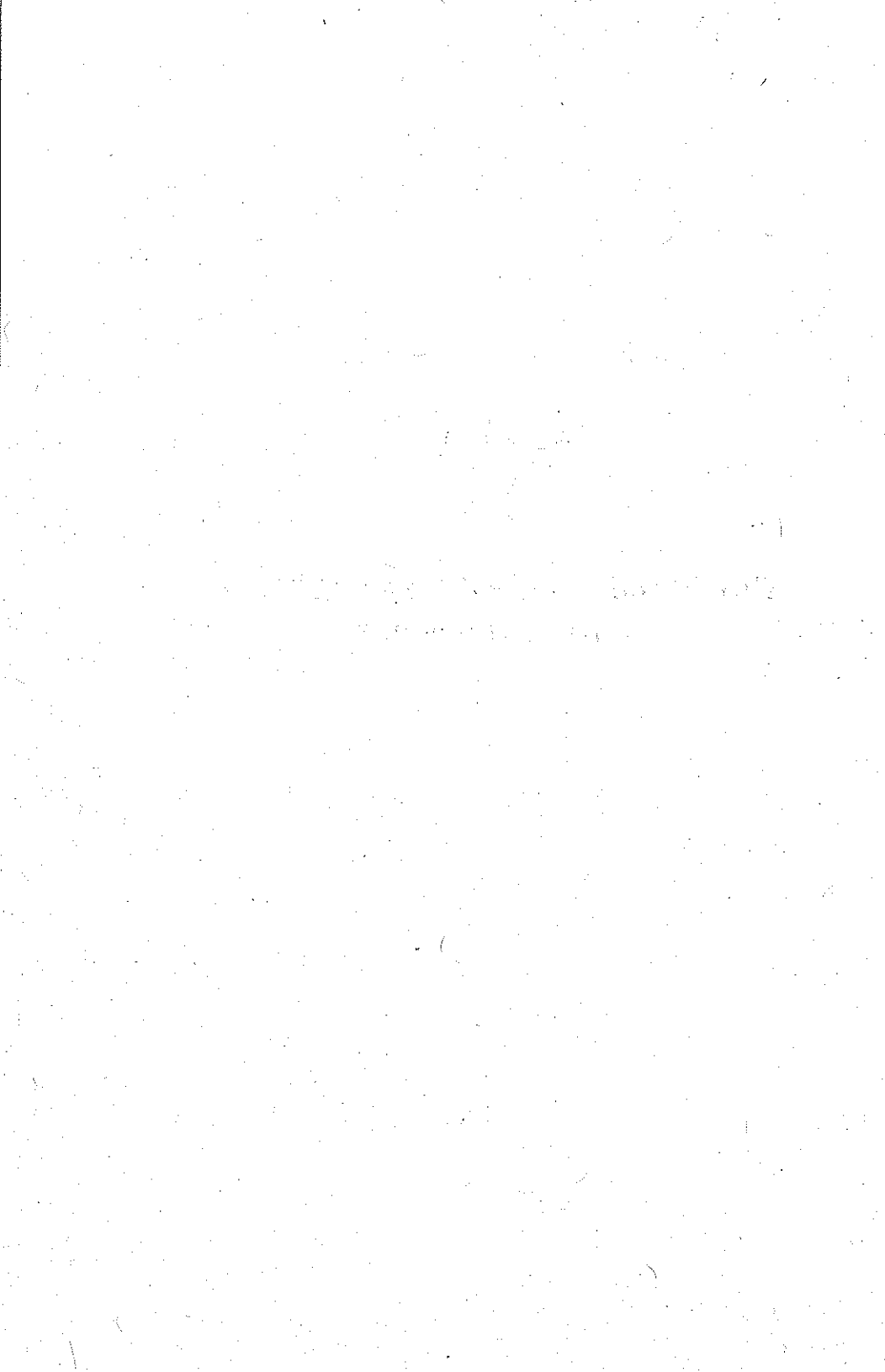
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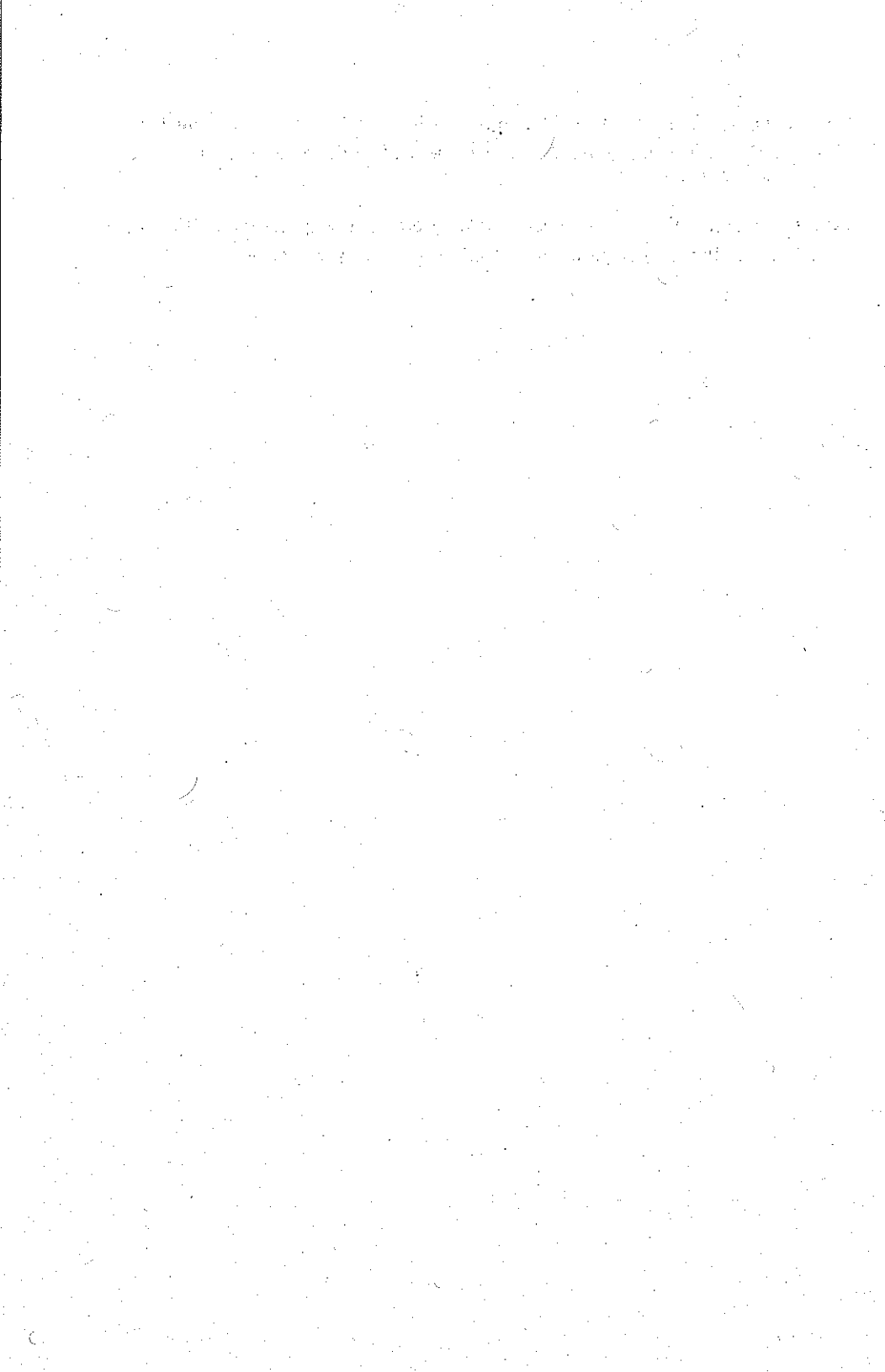
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Indices

AUTHOR INDEX

- Abele, Frances, 24, 56
Akwasasne Mohawk Council and
Kahnawake Mohawk Council,
101
Aldridge, Jim, 56
Amagoalik, John, 56
Anaquod, Del, 52
Aniol, Richard, 52
ARA Consultants Ltd., 84
Assembly of First Nations, 102-103
- Bartlett, Richard H., 1
Bear Robe, Andrew, 104
Bish, Robert L., 2, 11, 52, 105
Boldt, Menno, 3, 36-37
Boothroyd, Peter, 14
Bourgeois, Donald J., 106
Brockman, Aggie, 133
Bruyere, Louis, 56
- Calder, William, 36
Canada. House of Commons. Stand-
ing Committee on Aboriginal Af-
fairs, 85
- Canadian Arctic Resources Commit-
tee, 56
Canadian Bar Association, 4
Cardinal, Harold, 36
Cassidy, Frank, 5-11, 107
Clark, Bruce A., 12-13
Coates, Ken, 123-124
Conchelos, Gregory, 14
Cowie, Ian B., 15, 60
Cree-Naskapi Commission, 96-97
- Dacks, Gurston, 36, 124
Daniels, Doug, 125
Davies, Maureen, 34
Decima Research Limited, 16, 56
Dene Nation and Métis Association
of the Northwest Territories, 126
Department of Indian Affairs and
Northern Development, 86-95,
127
- Diamond, Billy, 60
Duffy, R.Q., 128
Dunkley, Katharine, 17

Mitchell, Grand Chief Michael, 48
Mohawk Council of Kahnawake,
112

Morse, Bradford, 24, 36, 40, 120
Moses, Chief Ted, 99

Native Council of Canada, 67, 71,
79, 121

Nerysoo, Richard, 136
Neufeld, David A., 124
Nin Da Waab Jig, 113
Nungak, Zebedee, 56

O'Neil, John D., 124
Ontario Métis and Aboriginal Asso-
ciation, 122

Ontario Native Women's Associa-
tion, 114

Opekokew, Delia, 41

Paget, Garry, 24
Parker, A.C., 115
Parry, John, 42
Patterson, The Honourable Dennis,
137

Penner, Keith, 36, 60
Pentney, William, 62-64
Peters, Evelyn J., 24, 43, 60
Plant, Christopher, 44
Plouffe, Vivianne, 45
Ponting, J. Rick, 14, 46, 60
Potts, Chief Gary, 116
Powell, Judith, 123
Prairie Treaty Nations Alliance, 117
Pratt, Alan, 24
Pobihushchy, S.I., 14
Purich, Donald J., 47

Rawson, Bruce, 36

Richardson, Boyce, 48
Robertson, Gordon, 56, 138
Roessel, Faith, 52
Rosen, Gary, 120
Rudnicki, W., 49

Sanders, Douglas, 36
Saunders, Richard, 50
Schneider, Tom, 139
Schwartz, Brian, 65
Scott, Ian G., 24, 36
Serson, Scott, 56
Smith, Dan, 56
Speck, Kelly-Ann, 51
Spiegel, Shelley, 36
Sterritt, Neil, 48
Svensson, Tom G., 124

Taylor, John, 24
Taylor McCullum, Karmel, 56
Tennant, Paul, 118
Terry, John, 140
Therriault, Andy, 56
Thompson, Shiela, 45

Union of British Columbia Munici-
palities, 118
United Indian Councils of the
Mississauga and Chippewa Na-
tions, 52

Van Loon, Richard, 56

Whittington, Michael, 56
Whyte, John, 60
Woodward, Jack, 53
Wright, Debra, 54

Zlotkin, Norman K., 55

TITLE INDEX

- 1986 Report of the Cree-Naskapi Commission, 96
- 1988 Report of the Cree-Naskapi Commission, 97
- A Discussion Paper on Aboriginal Self-Government, 120
- A Discussion Paper on Dene and Métis Self-Governments, 136
- A Northern Political and Economic Framework, 127
- A Perspective on Indian Nations in Canada, 14
- A Practical Guide to Issues in Gitksan and Wetsu wet'en Self-Government, 105
- A Study of Canadian Attitudes Towards Aboriginal Self-Government, 16
- A Summary of Canadian Attitudes Towards Aboriginal Self-Government, 56
- Aboriginal and Treaty Rights: A Context for Self-Government, 50
- Aboriginal-Government Relations in Australia and the Implications for Canada, 36
- Aboriginal Governments in Canada: An Emerging Field of Study, 5
- Aboriginal Organizations and their Claims: The Case of Newfoundland and Labrador, 32
- Aboriginal Peoples and Constitutional Reform: What Have We Learned? 59
- Aboriginal Peoples and Government Responsibility: Exploring Federal and Provincial Roles, 24

Comments on Constitutional Interpretation,	60
Community Models of Indian Government,	52
Community Participation in Socio-Legal Control: the Northern Context,	124
Completing Canada: Inuit Approaches to Self-Government,	79, 132
Conclusion — Explaining the Failure and Learning From It,	60
Control of Services,	52
Creating a Better Tomorrow: Aboriginal Claims in the Northwest Territories,	130
Creating and Enforcing Local Laws: An Instructional Conference for Indian Governments,	28
Declaration of Intent on Mohawk Self-Government, Self-Determination,	101
Devolution of Powers to the Government of the Northwest Territories,	126
Direction for the 1990s,	131
Discussion Paper for a Review of Indian Local Government Policies,	84
Dreams and Realities of Dene Government,	124
Drumbeat: Anger and Renewal in Indian Country,	48
Enhancing Local Planning Skills for Native Self-Reliance,	14
Epilogue: The Solution We Favour for Change,	36
Equity of Access Profile,	67
Essential Elements to Constitutional Change,	81
Faces and Interfaces of Indian Self-Government,	14
Federal and Provincial Responsibilities for the Cree, Naskapi and Inuit Under the James Bay and Northern Quebec, and Northeastern Quebec Agreements,	24
Federal and Provincial Responsibility in the Métis Settlements of Alberta,	24
Federal Perspectives on Indian-Provincial Relations,	36
Federal/Provincial Responsibility and the Sechelt,	24
Federalism in the Era of Aboriginal Self-Government,	24
Financing and Implementing Aboriginal Self-Government,	56
Financing and Implementing Aboriginal Self-Government: 22 Propositions,	38
Financing Indian Government,	52

Indian Title in Canada, 12

Information Kit Prepared for the First Ministers' Conference, 90

Information on the Community Self-Government Negotiations Process, 91

Institution of Mohawk Government in Kahnawake: An Overview, 112

Introduction to Native Law Issues: Aboriginal Rights and the Constitution, 47

Introduction: Twenty Years of Disappointed Hopes, 36

Inuit Self-Government in the NWT: The Nunavut Proposal, 139

Issues in Entrenching Aboriginal Self-Government, 60

Issues of Jurisdiction Between Aboriginal and Non-Aboriginal Governments,
60

Keeping the Circle Strong, 52

Local Community: Indian Self-Governance in Perspective, 118

Métis 'Nationalism' and the Concept of a Métis Land Base in Canada's Prairie
Provinces, 119

Native Indian Self-Government, 36

Native Law, 53

Native Liberty, Crown Sovereignty: The Existing Aboriginal Right of Self-
Government in Canada, 13

Native People and the Demand for Self-Government, 20

NCC Analysis of the March 27, 1987 Federal Proposal for a Constitutional
Amendment on Aboriginal Self-Government, 121

Negotiation Strategies and Dispute Resolution, 52

New Approaches to Native Rights... the Case for Accepting Native Communi-
ties on their Own Terms as the Political Base for Future Development, 33

Northern Communities: The Prospect for Empowerment, 124

Northern Resources Planning and Management, 124

Notes for an Address by Bill Erasmus, 129

Nunavut and the National Interest, 56

Nunavut: Self-Government and Arctic Sovereignty: A Background Paper, 135

Officials' Draft Report of the Federal-Native Council of Canada Working
Group on Treaties and Treaty Rights, 73

On the Inherent Jurisdiction of Indian Governments, 9

- Resolving Tensions between Tribal and State Governments, 36
- Respective Roles and Responsibilities of Federal and Provincial Governments
Regarding the Aboriginal Peoples of Canada, 24
- Results of a Public Opinion Poll on Aboriginal Self-Government, 79
- Reveille for First Nations: The Politics of Aggression and Defense, 49, 79
- Self-Determination: An Interdisciplinary Bibliography, 34
- Self-Determination and Extra-Legal Action: The Foundation of Indian Native
Protests, 37
- Self-Determination, Medical Ideology and Health Services in Inuit Communi-
ties, 124
- Self-Government and Arctic Sovereignty, 135
- Self-Government and Self-Determination: A Select Bibliography of Canadian
and International Material, 26
- Self-Government and the Canadian Political System, 60
- Self-Government Negotiations Branch Status Report, April/May 1989, 94
- Self-Government on Essential and Optional Subject Matters, 95
- Self-Government or Self Delusion? 14
- Self-Government Sector, 88-89
- Self-Management and Community Government, 1
- Sovereignty, Jurisdiction and Guiding Principles in Aboriginal Education, 14
- Statement at Meeting of Ministers, Ottawa, 20-21 March 1986, On Behalf of
the Assembly of First Nations, 111
- Statement of Meeting of Ministers, Ottawa, 20-21 March 1986, on Behalf of
the Assembly of First Nations, 116
- The Aboriginal Peoples and the Government of the Northwest Territories, 36
- The Aboriginal Rights Provisions in the Constitution Act, 1982, 62
- The Aboriginal Self-Government Amendment, 60
- The Agricultural Argument and Original Appropriation: Indian Lands and
Political Philosophy, 18
- The Constitution of the Five Nations or the Iroquois Book of Great Law, 115
- The Constitution, the Provinces and Aboriginal Peoples, 36
- The Development of an Economic Basis for the Kingsclear Indian Nation, 52