

Dispossession politics: Mapping the
contours of reconciliatory colonialism in Canada through
industry-funded
think tanks

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Bachelor of Arts, University of Victoria, 2016

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Supervisory Committee

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by

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Abstract

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Amidst recent mobilizations of Indigenous land-based resistance and the hypocrisy inherent in the state's implementation of UNDRIP they render visible, resource-extractive corporate capital is uniquely invested in the state's continued ability to dispossess land from Indigenous peoples. This paper suggests that growing emphasis on Indigenous-state relations within industry-funded think tanks offers corporate capital an unprecedented avenue to participate in the evolution of federal policy discourse on state-Indigenous reconciliation. It draws on a content analysis of policy materials from four of these institutions ranging from far-right groups such as the Fraser Institute to the more moderate Institute on Governance, contextualizing findings in recent and substantive shifts in federal policy development in this area. Findings suggest that the groups' relative diversity is underscored by common discursive themes infused by neoliberal governing rationalities that invoke a diffuse, flexible and agile policy landscape that erases the question of land—and Indigenous jurisdiction over land—which many Indigenous peoples identify as critical to meaningful reconciliation efforts.

Table of Contents

Supervisory Committee	ii
Abstract	iii
Table of Contents	iv
List of Tables	vi
List of Figures	vii
Acknowledgements	viii
Self-Location	ix
Introduction	1
Methodology	7
Methods	8
Dispossession regimes	10
<i>Maintaining the ability to dispossess: the mechanisms of Canada's dispossession regime:</i>	20
Chapter 1: Think tanks and the state	25
<i>Think tanks and their distinct relationships to the state</i>	26
<i>Think tanks and neoliberalism</i>	28
The Fraser Institute	29
The MacDonald Laurier Institute	32
The Conference Board of Canada	35
The Institute on Governance	38
Chapter 2: Unpacking Canada's history of dispossession regimes: from assimilation to recognition	42
RCAP	44
<i>The Harvard project on Aboriginal Economic Development:</i>	46
<i>Aboriginal economic development under Harper</i>	51
<i>Shifting discourses on privatization</i>	53
Chapter 3: Painting in the background: articulating Canada's past, present and future through the lens of industry-funded think tanks	63
<i>Why Reconcile?</i>	66
<i>What is colonialism, anyway?</i>	70
Capitalizing Indigeneity:	74
<i>Locating land in reconciliation:</i>	76
<i>Away from litigation</i>	78
<i>Improve clarity, but not too much</i>	80

Reconfiguring the roles of state, industry and subject: responsabilization politics.....	83
<i>"Decentralized" or devolved policymaking</i>	85
<i>The role of the state: the broker of free choice</i>	88
<i>Self-government</i>	89
<i>Capacity building as a field of responsabilization for Indigenous peoples</i>	92
Reconfiguring the role of industry	97
<i>Corporate engagement</i>	100
<i>Community development initiatives: industry picks up the slack from government</i>	101
<i>EA as case study for role transformation</i>	104
Diffuse rights: Engagement, participation and the institutionalization of dissent through Environmental Assessment.....	105
<i>The cost-benefit redistribution of a participatory EA regime</i>	106
<i>Conclusion</i>	109
Chapter 4: Reverberations in government	112
The First Nations Fiscal Management Act (FMA).....	113
Impacts in Government: From band councils to self-government agreements	117
Chapter 5: Discussion	123
Capitalizing Indigeneity	124
Responsibilization and decentralization	135
<i>Government's role reconfigured</i>	139
<i>Homo economicus and reconciliation as responsabilization for Indigenous peoples</i>	143
<i>Industry's role reconfigured:</i>	148
Conclusion	152
Appendix 1: List of Analyzed Documents	162
References	164

List of Tables

Table 1: Typography of the four think tanks 64

List of Figures

Figure 1: The Harvard Project on Aboriginal Economic Development, "Development Pyramid" (Cornell et al, 2002, p. 6)..... 49

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Self-Location

I'm a settler of European descent, born in Tseil-Wautulth and Squamish Territory in what is commonly known as Vancouver BC. Both of my parents spent most of their lives around Vancouver's coastline and the surrounding islands. My grandmother on my mother's side was born in Sydney BC to English and French parents, and my grandfather's great grandparents both moved to Canada from England. My 'Nona' on my dad's side was born in Vancouver, but her eldest sister was born in Italy before the family immigrated. My 'Nonno's' great grandparents immigrated from Russia and Germany. As such a language tradition might suggest, my Nona was the matriarch of that family, and her passing when I was twelve meant the loss of the large gatherings of extended family that filled their house with laughter and copious amounts of food on an almost weekly basis.

When I was five years old I moved to Squamish and Sechelt territory just north of Vancouver in what is now known as the Sunshine Coast. This move was a significant bifurcation point in my early life: my parents bought a half acre in the community of Roberts Creek, and moving there was my first experience living within abundant 'undeveloped' space. I remember spending months exploring the land that was now "ours". I befriended the three cedar trees growing together in unison in the back yard, and marveled at the lily of the valley that grew beneath the bushes along the side of the house. Outside the property, I similarly linked the arrangement of beaches, creeks and trails around our house together in map that was uniquely personal my sense of identity. This was the first time that I felt expansively at home amidst a quiet feeling of belonging within the space that I was coming to know so closely.

I'm still in the process of learning that my "discovery" of that area of land depended on the erasure of the Squamish and Shíshálh (Sechelt) peoples whose belonging forged between communities and across generations embeds a depth and complexity I will never fully understand. The challenge of bringing gratitude for my place-based childhood experience into conversation with the realization that my family's ability to "buy" land is inextricably linked to the dispossession of Indigenous peoples' is central to the questioning that undergirds my research and organizing work.

This orientation was missing in my early life. Midway through my high school experience the attack on the World Trade Towers had galvanized a fresh outcropping of Canadian militarization in the Middle East, and I devoted my early organizing towards peace activism. After moving to the territories of the Lekwungen (Songhees), Wyomilth (Esquimalt) and W̱SÁNEĆ (Saanich) peoples, I organized to protect old growth forests and to curb climate change climate through municipal divestment. While I continue to stand by the importance of these objectives, my emphasis on them often came at the expense of my willingness to unpack the justice issues embedded in my own upbringing. Specifically, I began to question problematic elements of the environmental movement that worked to discursively produce and protect "pristine" environments from human influences—a notion made possible, I began to realize, through the colonial-relation itself.

Since then, I've grown critical of the environmental narratives that call on Indigenous peoples to forgo development to protect natural spaces, a discourse which quietly absolves settler responsibility amidst their continued access to stolen land, and negates the real impacts of colonialism that have left many Indigenous peoples without healthy or sufficient land from which to sustain themselves in the absence of extractive resource development. Such narratives also fail to address the implications of an active and sustained strategy on behalf of state and industry to predicate Indigenous peoples' autonomy and self-determination on capital accumulation.

This thesis takes up the contents of this strategy, inviting settler Canadians such as myself to embark on the work of holding these settler-run initiatives to account as they work to further entrench dispossession in the name of equality and justice. It is my view that our ability to act in solidarity with Indigenous peoples will be greatly supported by a better understanding of the tectonic political and monetary forces influencing a First Nation's decision on whether to embark on resource extractive partnerships. In this sense, my exploration here sought to provide myself and others with a more nuanced understanding of the challenges First Nations face in their negotiations with the Canadian state, and hence to better inform our ability to work in solidarity with First Nations as they work to decolonize on their own terms.

Introduction

For the colonial Canadian state, capital accumulation has long depended on the dispossession of Indigenous peoples' jurisdiction over their land to exploit the natural resources on and within it. From the early colonial era to the present day, Coulthard reminds us that Canada's policies continue to be oriented around the need to ensure "ongoing state access to the land and resources that contradictorily provide the material and spiritual sustenance of Indigenous societies on the one hand, and the foundation of colonial state-formation, settlement, and capitalist development on the other" (Coulthard, 2014, p.7). Novelty lies, however, in corporate capital's acute awareness of the threats that Indigenous grassroots and legal resistance pose to future profits. At a crossroads amidst growing public opposition to fossil fuels and an increasingly visible and legally formidable rise in Indigenous resistance, extractive capital currently faces a crisis in capital accumulation.

Harvey (2005) suggests that there is a dialectical relationship between the logics of capital and those of the territorial state. While politicians seek outcomes to sustain their power "vis-a-vis other states," capital is largely interested in the sustenance of its own growth. These logics often converge, to be sure, but their impetus is not necessarily uniform, nor is it a simple task to untangle one from the other in any given context. This thesis suggests that the discourses generated by industry-funded think tanks on state-Indigenous policy provide a window from which to gauge the interests of Canadian corporate capital, helping us to better understand how these logics map out on to one another. These groups, hailing from the far-right Fraser

Institute, the Macdonald-Laurier Institute (MLI) and the Conference Board of Canada (CBoC) towards the more politically moderate Institute on Governance (IOG), have seen a dramatic uptick in policy materials on Indigenous-state relations in recent years—with a particularly large spike occurring in the year 2013.

Around the same time, the Supreme Court of Canada granted Aboriginal title to the Tsilhqot'in First Nation in response to their fight against an open pit mining project that would severely impact Teztan Biny—a sacred lake in their traditional territory (Lavoie, 2018). This was the first point in Canadian history that the courts had extended a ruling on Aboriginal title beyond a specific tract of land, otherwise known as the “postage stamp” approach to Indigenous title which dominated previous court affirmations such as *Delgamuukw v. British Columbia* (Hamilton, 2014)

A year later, soon-to-be Prime Minister Justin Trudeau campaigned under promises to enter a new “nation-to-nation” relationship with Indigenous peoples. This included the implementation of the United Declaration on the Rights of Indigenous Peoples (UNDRIP), an unprecedented development in international law highlighting the importance of “free, prior and informed consent” from Indigenous peoples “prior to the approval of any project affecting their lands or territories” (UN General Assembly, 2007). Three months after Trudeau’s election, Enbridge’s Northern Gateway pipeline lost its federal approval as the BC Supreme Court ruled Enbridge had failed to properly consult with Indigenous peoples along the pipeline route (Procter, 2016).

Despite the apparent progression towards a newfound recognition of Indigenous rights reflected by the above developments, the state's effectual position on these rights has not followed the expansive vision hoped for by many at the outset of Trudeau's leadership. After his election, Trudeau backtracked on his position on UNDRIP, stating that Indigenous communities "don't have a veto" when it came to rejecting resource development on their territories ("Trudeau says First Nations 'don't have a veto' over energy projects," 2016). In 2017, he approved the Kinder Morgan Trans Mountain Pipeline extension project (TMX) despite ardent grassroots and legal opposition from 59 First Nations whose traditional territories would be impacted (Alini, 2018). And while it broke judicial ground, the Tsilhqot'in ruling still enveloped within it the capacity for state infringement in the name of the public interest—a caveat which the court left undefined (McIvor, 2016). The bottom line in both instances implicates the state's sustained legal and procedural capacity to dispossess.

This study postulates that the striking congruence between the Trudeau government's recent approach to state-Indigenous policy and the above-mentioned surge of materials flowing from industry-funded think tanks indicates a growing convergence in capital and territorial logics. As I trace policy discourse at this juncture, I will suggest that this convergence illustrates the imbrication of state and capital working to maintain the capacity to dispossess Indigenous jurisdiction alongside discursive claims to uphold it.

This continual reinvention is what is at stake in a regime of dispossession: a concept coined by Michael Levien (2013) to describe the various ways that states dispossess land for specific

reasons at specific times. More precisely, dispossession regimes reflect “socially and historically specific constellations of state structures, economic logics tied to particular class interests, and ideological justifications that generate a consistent pattern of dispossession.” (Levien, 2013, p.383). Levien’s formulation inserts a genealogical lens to state-enforced dispossession, and its insistence on grounding its analysis on the fulcrum of land renders it germane to better understanding the federal government’s strategic policy when it comes to opening up land for settler-run extractive industries to exploit Indigenous territories. As a colonial state holding fast to its legal capacity to dispossess, Canada’s regime of dispossession is under a continual recalibration according to the changing political terrain from which it operates, and Indigenous rights and title cases, land-based resistance and the development of new sites of resource extraction all provide stimuli for its evolution.

This thesis investigates the policy materials flowing from four industry funded think tanks that have active research streams on state-Indigenous policy development. These four organizations exist on a spectrum from seemingly “hard right” organizations such as the Fraser Institute and the Macdonald-Laurier Institute to more politically moderate organizations such as the Conference Board of Canada and the Institute on Governance. By “mapping of the terrain” of industry-funded Indigenous policy development as such, this analysis can offer us a better understanding of the ways in which Canada’s regime of dispossession is being shaped in response to and alongside mobilizations of Indigenous resistance and resurgence.

To that end, this research is focused on two questions: First, **how are corporate affiliated think tanks framing policy recommendations on Indigenous-state relations?** And second, **how do these frames resonate with recent federal policy initiatives on Indigenous rights and reconciliation?**

The first chapters of this thesis work to ready the ground for my analysis by investigating and outlining key areas of background to the political and philosophical terrain which I will traverse. The remainder of this chapter offers a historical context of the concept of “dispossession”, tracing its usage through Marx, Luxemburg and Harvey through to Coulthard (2014) and Levien (2013, 2015) to make my own usage of the term in this context clear. In chapter one, I introduce the central characters of this study, first by introducing the role of the “think tank” itself as a symbol of the continually shifting line between state and non-state, and in the case of the organizations here in particular, as a vehicle and translation device of neoliberal economic rationality.

In chapter two, I outline key developments in the history of ‘aboriginal economic development’ in Canada and the US, situating this context as an imperative backstory to our ability to comprehend the materials produced by the groups today. Indeed, the discourses that the think tanks are producing today are not fundamentally novel, they draw on a rich history of policy discourse that has set in motion a path dependence in state policy towards assumptions about colonialism and the path away from it. Still, I suggest that key distinctions between past and

current policy can help us to build a genealogically-informed understanding of the ways that the dispossession regime is on the move.

In chapter three, I begin the work of unpacking the policy discourses emerging from the groups, beginning with an overview of their ontological assumptions about the Canadian state and its colonial history, and moving towards questions of the rule of law, the appropriate position of the state in the 'nation-to-nation' relationship, and the role of "capacity building" as a limiting term under which recognition politics—as interpreted by Coulthard (2014)— is evolving.

In chapter four, I introduce key developments in state-delineated Indigenous policy development occurring alongside and after the policy materials in this study were constructed, illustrating the ways that framings emerging from industry-funded think tanks in this study are resonant in current state policy development.

Finally, in chapter five, I unpack the themes emerging from each of think tanks, identifying the current dispossession regime as one intimately structured and shaped by neoliberal governing rationalities.

Methodology

My analysis is genealogical in the Foucauldian sense by way of its intention: this indicates that I want to distinguish my methodological orientation to discourses on state-Indigenous policy from one that sees discourse as a natural continuity of consolidated historical truths. I see it rather as an “unstable assemblage of faults, fissures and heterogeneous layers” which represent the negotiation of differentials competing amongst fields of power (Foucault, 1991, p. 82). Genealogy, in other words, is concerned with the contours of descent rather than the pursuit of fixed origin. Foucault (1991) elaborates on genealogy’s complicity and intimacy in its subject matter by noting that: “history has a more important task than to be a handmaiden to philosophy, to recount the necessary birth of truth and values; it should become a differential knowledge of energies and failings, heights and degenerations, poisons and antidotes. Its task is to become a curative science” (p.45). The curative element of genealogy, and of my project herein, is to unearth the ways in which the historical event becomes naturalized by asking why and how things came to be as they are. I adopt Foucauldian critical discourse analysis as I navigate the discourses emerging from the think tanks in this study. This orientation naturally questions the ways that discourse transmits and reinforces power, or contrarily, how it can also render it fragile (Foucault, 2004). This form of analysis is not limited to discourse as an object onto itself, but the dialectical interplay of relations (environmental, political, and cultural) which constitute its meaning, particularly as they reinforce or resist unequal relations of power. (Janesen, 2008). An integration of discursive policy analysis investigates the ways that problem construction shapes and influences the “solutions” put forward, asking us to question which experiences are made visible while others are either acknowledged as non-issues or otherwise

actively denied representation altogether (Fischer, 2016), indicating the ways that inequalities become latent in policy decisions.

Methods

Each think tank was chosen due to its active involvement in discussions on Indigenous-state policy development, and its advocacy activity in this field according to the varying strategies each group undertakes to influence the policy environment (see chapter 2 for more details). My research includes a thematic analysis of white papers from each of the groups, identifying key themes in the content through a grounded approach to inductively form conceptual categories from the data (Riessman, 2005). The results were organized according to emergent themes which arose from this multi-step analysis process. After coding a few documents from each group to get a sense of content scope, I reorganized and consolidated codes to account for emerging themes arising from the data using the thematic method. These families included groupings such as “the story of Canada”, “political references”, “decision making”, “depoliticization”, and “legislation”. For each think tank I coded seven documents published between 2013 and 2018.¹ The exception to this is the CBoC, for whom I only coded two documents due to its relatively recent entry into the policy discourse on state-Indigenous policy. During the analysis phase I explored connections between theme families, taking note of

¹ For the IOG and CBC, documents selected are reflective of all white papers pertaining to this thesis’ research area, including natural resource development, rights and jurisdiction as they pertain to the relationship between the state and Indigenous peoples. The other two groups (MLI and Fraser) have more materials available on these topics, so white papers for these groups were selected according to two qualifications: their applicability to the research area (as described above) and their capacity to represent the time-period of research (2013-2018).

those that extended throughout the groups as opposed to those which were referenced only within the context of one group's policy materials. As I will go on to explain, while the think tanks in this study emphasize distinct policy areas and agendas (for example, the Macdonald-Laurier institute is virtually the only think tank in the study analyzing up reform policies for environmental regulatory process) underlying ontologies about the substance of the colonial relation and the means of reconciliation point to key areas of common ground between the groups. These areas of common ground are expanded on and parsed out in chapter five. As demonstrated by Appendix 1, most of the documents included in the analysis are cited throughout this thesis in an attempt to articulate the discursive nuance amongst the think tanks. In some cases, documents have not been featured directly in the text. This variation stems from my own process of identifying emergent themes in the material: in some cases, policy discourses amongst authors carried considerable overlap, meaning that their systematic inclusion in the text would have carried little value. In others, groups emphasized policy configurations in isolation from the issues raised by other groups, and given the limited scope of the research I have offered a limited contextual analysis of these themes.

I carried out my coding using the ATLAS.ti qualitative software program. I utilized ATLAS.ti software to help manage the large quantities of data arising from this project, enabling me to carry out inductive coding with large numbers of codes, and subsequently develop those codes into sub categories and larger themes through memo writing and the creation of code "families". I utilized the manual "Qualitative Data Analysis with ATLAS.ti" by Susanne Frieze (2014) to support my use of the software.

I then investigated current iterations of state-indigenous policy development to explore the ways in which the discourses emerging from industry-funded think tanks in this study may or may not be resonant in current policy development. This analysis focused particularly on the federal government's Implementation and Recognition of Rights Framework, and the Institutions it has stated that it plans to draw from, including the First Nations Financial Management Board.

Dispossession regimes

To unpack the concept of dispossession, the remainder of this chapter will draw on theories of dispossession heralded by Marx, but extended into modern practice through authors such as Coulthard (2014), Harvey (2005), Luxemburg (1968) and Levien (2013, 2015) to suggest that not only is a "regime of dispossession" in place in the Canadian State, but that forms of dispossession are economic and territorial requirements of state power in an advanced capitalist economy.

Theories on dispossession reach back to Volume 1 of Capital, where Marx (1887) outlines the birthplace of capitalist social relations embedded in the "historical process of divorcing the producer from the means of production" (p.875). Dispossession—viscerally described by Marx— is the process by which capital came into the world "dripping from head to toe, from every pore, with blood and dirt" (p.538). Primitive accumulation is that which precedes capital accumulation, he suggests, entailing "divorcing the producer from the means of production" (Marx, 1857), enclosing land and Marx puts this relation squarely in the past: "it forms the

prehistoric stage of capital and of the mode of production corresponding with it (Marx, 1887).

This is the process that facilitated the destruction of the commons in Europe, and characterized the colonial land thefts carried out in the “global south”. Once separated from their means of production, the argument goes, capitalism continues to reproduce this separation “on a continually extending scale” (Marx, 1887).

The utility gained by Marx’ grasp of the term only takes us so far, however. For Marx, primitive accumulation was the point of departure for capitalist relations: he saw it as a transitory phase, which will only be surpassed by the development of capitalism, and would eventually become “supplanted everywhere by a more normalized process of expanded reproduction, wherein the already achieved separation of the producer from the means of subsistence allows the exercise of violence and open expropriation to recede into the background” (p.523). Indeed, this recession is evident in the ways in which property ownership has become a normative right which—at least in the Canadian context—citizens and non-citizens alike are able to claim without necessarily confronting the colonial relation which undergirds the possibility of such a purchase. And yet, Leven Harvey and Coulthard’s argument is that Marx’ emphasis on proletarianization and his central concern with the dynamics of capitalism as a way of life puts primitive accumulation on the back burner, despite his emphasis on its critical relationship to the existence of capitalist society (Glassman, 2006). After all, notes Leven (2015) “Marx was more interested in providing a historical account of the emergence of a proletariat rather than a political economy of land dispossession” (p.5). Thus, whereas Marx articulates the site of revolutionary opportunity in the sphere of capitalism’s future (namely, in the proletarian movement), he viewed other revolutionary movements, particularly those of the expropriated

through primitive accumulation, as “anachronistic insofar as they look to capitalism’s prehistory rather than to the possibilities capitalism creates for a post capitalist world”, says Glassman (2006, p.611).

Rosa Luxemburg (1951) famously breathed life into the concept of primitive accumulation by suggesting that capitalism’s ongoing crises required the dispossession of new territories and the reinvestment of surplus. Harvey (2004) carried on this charge, prioritizing the concept in his theory on “accumulation by dispossession”. He does this by articulating primitive accumulation as an ongoing mode of accumulation where diffuse imperial relations operate through the mechanisms of finance capital and forceful coercion. In so doing, Harvey detached primitive accumulation from its theoretical dependence on the agrarian tradition, shoring up its relevance as a critical mechanism of capital accumulation in the present day. Under Harvey’s diagnosis, accumulation by dispossession is framed as a requirement of capital’s ability to reproduce: when capital accumulates and is unable to reproduce itself through reinvestment, it stands to be devalued through deflationary recession or depression. To continue to generate new wealth, capital must find new markets from which to create profit—implicating the ‘extra-economic’ field only achievable through processes of dispossession that absorb surplus capital. Harvey (2004) brackets this argument outward, clarifying that “primitive accumulation, in short, entails appropriation and co-optation of pre-existing cultural and social achievements as well as confrontation and supersession” (p.146). This can broach a wide spectrum of processes -- made particularly robust by systems that enable credit and stock manipulations and intellectual property rights. Dispossession occurs when a set of (commonly held) assets is newly released

into the market for a typically low (or non-existent) cost. Meanwhile, Harvey leaves room for the more tangible side of dispossession, reflected when raw materials and/or land is inputted to the capital system for low prices.

By articulating the current milieu of dispossession, Harvey (2005) outlines the ways in which its current instances are not reflective of early capitalist development but “advanced capitalist demands on natural resources” (p.7). The neoliberal project of privatization, according to Harvey, is positioned as the prime pressure valve for the inherent crises of capital accumulation. A critical question arises from this distinction, says Levien (2015), asking “not what is the role of land dispossessions in the transition to capitalism, but what is the role of land dispossession within capitalism?” (p.8). As part of the grounding critique for his theory on regimes of dispossession, Levien (2013, 2015) takes aim at Harvey’s emphasis on the market as the seemingly “natural” driver of dispossession. By rolling a whole host of capitalist dynamics into a theory of accumulation as Harvey does, Levien suggests that the concept has been overextended to the point of dilution, obscuring the role of the state in its ability to use force to further class interests. The concept for Levien is most fruitful when it is aimed specifically at territorial dispossession. Without this emphasis, he suggests, our ability to pinpoint the role of state power in legitimating dispossession is lost.

Coulthard (2014), Harris (2002) Atleo (2009, 2015, 2018) and Jimenez (2014) stress that we cannot understand the colonial nor the capitalist relation without understanding the ways in which the two relate to, and dispossess, land: “Compare capital’s interest in uncluttered access

to land and settler's interest in land as livelihood and the principal momentum of settler colonialism comes into focus" suggests Harris (2002, p.179). Not only does land dispossession facilitate the existence of both, but it also works to erase the role of the "commons" as that which "deeply inform[s] and sustain[s] Indigenous modes of thought and behaviour that harbour profound insights into the maintenance of relationships within and between human being and the natural world built on principles of reciprocity, non-exploitation, and respectful coexistence" (Coulthard, 2014, p.12).

So, while Harvey acknowledges that class interests are embedded in the ways that dispossession functions as a spatio-temporal fix for capitalism, his willingness to lose sight of the question of land and thus the colonial relation, "as the inherited background field within which market, racist, patriarchal and state relations *converge* to facilitate a certain power effect" inhibits his formulation's ability to be theoretically useful in the colonial Canadian context (Coulthard, 2014, p.14). By holding fast to the distinction between dispossession of land and the dispossession of broader dynamics of capital flows, I join these authors in their suggestion that we might craft a more coherent genealogical analysis of the transition between the ways in which dispossession is made legitimate.

Accordingly, the central question for Levien (2015) asks why "states restructure themselves to dispossess land for different purposes and different classes in different periods" (p.11). Levien's (2015) emphasis on the role of the state in generating legitimacy for its ability to dispossess is a critical element of his theory's utility. In a dispossession regime, the state exerts a coherent

logic in the practice of dispossession, the basis of which is sourced through “social relations of coercive redistribution” (p.2). Levien (2015) adds: “If a regime of production is an institutionalized way of extracting surplus value from workers, a regime of dispossession is an institutionalized way of expropriating land from their current owners or users” (p.12). Two essential components comprise the working arms of the regime: a state willing to dispossess, and its tools of acquiring compliance and/or consent for dispossession. Regimes of dispossession are distinguished into “socially and historically specific regimes”, wherein states seek to redistribute resources along class lines. These regimes work through various means to achieve their ability to dispossess: “force, legitimacy and material concessions” which ensure eventual —though not always forthcoming—compliance on the behalf of the dispossessed. The question at hand for Levien is “how and why states restructure themselves to dispossess land for different purposes and different classes in different periods” (p.11).

While dispossession regime theory is relatively novel, its analytical terrain can be traced to the more developed body of work surrounding “food regimes”—grounded by key authors such as McMichael (2009) and Friedmann (2005). Food regime analysis works to uncover, and thus politicize, the role of agriculture in propelling the global capitalist economy. Authors of this canon take up a genealogical lens to unpack distinct regimes in which the global food system has fundamentally altered course: the first, shaped by a dramatic influx of colonial food imports to the Western world, was followed by a second, characterized by the Green revolution which saw surplus food routes redirected from the US to ostensibly postcolonial states on strategic perimeters of the Cold War. The food regime canon places its focus on social, legal and

economic levers operating in a dialectical relation to one another: depending on the contextual relationship of these spheres in dialogue with one another, food regimes can reflect relatively stable systems or can characterize periods of crisis and transition. Food regime analysis therefore suggests that we might historically read diverse processes and dynamics in conversation with one another where they might otherwise be conceived as discrete and site-specific. Transitions between regimes are frequently catalyzed through mobilizations of social movements, and regime analysis piques its attention towards these instances where systemic disruptions occur— described by Friedmann (2005) as “unstable periods in between shaped by political contests over a new way forward” (p. 228).

While perspectives from food regime scholarship provide fertile conceptual signposts about the ways that regimes can change, the politics of land dispossession demand a more localized and contextually grounded terrain of analysis. While studies on food regimes focus largely on the role of capital, Canada’s dispossession regime must be read through the vaulting tensions arising from the logics of capital accumulation paired with territorial logics of national sovereignty undergirded by colonialism. While under Harvey’s (2004), articulation, dispossession references a vast field of techniques that satisfy capital’s drive to sequester its inherent paradox of accumulation—of which direct land expropriation is but one method— Levien’s (2013, 2015) articulation of dispossession regimes is limited to the more visceral, land based variant: he is, after all, interested in the ways that the Indian state forces rural farmers from their farms in the interests of private capital. Of course, a critical distinction applies when comparing Levien’s concept to the context of the Canadian state—whereas

Levien's emphasis was on class relations, dispossession in Canada is a product of colonial oppression grounded in racial oppression. In the context of colonial genocide that took place in Canada, dispossession does not simply take place when Indigenous peoples are removed physically from their land (although this also happened and continues to happen). Instead, the more insidious nature of dispossession in Canada occurs when the state erases the legitimacy of inherent jurisdiction which flows from the fact that Indigenous peoples long history of belonging to what only recently became known as Canada. Thus my own rendering of the "dispossession regime" retains Levien's emphasis on land, similarly grounding the state as the nexus of coercive force, while placing the object of dispossession in the frame of jurisdiction as outlined in Pasternak's (2017) work articulating the Algonquin of Barriere Lake's struggle against coercive mechanisms of state power.

For Pasternak (2017), the concept of jurisdiction is critical for our work to understand the ways that settler colonial states dispossess Indigenous peoples from their land. Jurisdiction, she explains, is the "authority to have authority" or that which legitimates one's responsibility to govern a legal, physical or social space and thus forms the substance of lawmaking. While the term 'jurisdiction' is commonly rolled into the concept of "sovereignty", Pasternak compels us to cleave the two apart—rather, jurisdiction is "the apparatus through which sovereignty is rendered meaningful" (p.3).

While settler-colonial articulations of jurisdiction are shaped by claims over bounded, territorial space, many Indigenous iterations cannot be reduced to this rather simplistic metric. On the

contrary, Pasternak (2017) explains that Indigenous forms of jurisdiction can flow from many sources, including “connection to the Creator or a spiritual presence, self-preservation, political autonomy and the collective rewards of territorial stewardship” (p.6). These sources are varied and diverse; contrary to state-delegated forms of sovereignty, they provide opportunity for multiple, overlapping forms of jurisdiction in conversation with one another. Hence, Pasternak (2017) suggests that colonialism’s insidious violence includes the erasure of jurisdictional nuance and interplay, adding that that “Canada’s assertion of sovereignty over all lands and resources within its borders presumes the forms laws will take despite a multiplicity of Indigenous governance systems each structured within their own unique territories and political cultures” (p.7) Therefore, when the state claims the ability to assert jurisdiction according to territorial boundaries alone, it is in fact enacting a politicized articulation of authority as though other forms never existed.

Whereas most analyses of jurisdiction quickly assume that it is a cohesive object conjoined to state power, this framing provides for a more fine-grained look at the ways in which authority really plays out. As Pasternak explains that overlapping jurisdiction between Indigenous and settler regimes expose the “imperfect geographies” making up the “tangled strings” of empire, she (2017) invokes the image of colonialism as an iterative process of perfecting sovereignty, rather than an accomplished project. As she uncovers the persistence of multiple, intersecting forms of jurisdiction over land, Pasternak wants us to remember that alternatives to hegemonic epistemologies of state sovereignty carry profound implications for the present terrain of political possibility.

Pasternak (2017) describes two related processes of dispossession which wrest the ability of the Barriere Lake First Nation to practice jurisdiction over their territory. The first is related to the reproduction of social life that is threatened by a form of “dispossession without moving”. This “entails being simultaneously immobilized and moved out of one’s living knowledge as one’s place loses its life sustaining features” (p.56) The second arises as Indigenous peoples’ lands are governed, managed and planned by non-Indigenous institutions and industries according to the interests of territorial sovereignty of the nation state in concert with the interests of capital accumulation. Both reflect erasures of Indigenous knowledge, and the ability to enact jurisdictional authority over their territories.

Instead of adopting Harvey’s (2005) expansive notion of dispossession which extends to circuits of capital or Levien’s (2013, 2015) narrow articulation as that which physically removes the dispossessed in space, my own iteration retains land as the focal point of interest while drawing on the two ways in which Pasternak (2017) observes state dispossession of jurisdiction enacted on Indigenous peoples in Canada. This expansive rendering enables a more nuanced analysis of the governmentality of dispossession politics, while retaining the analytical strength which Levien (2013, 2015) and Coulthard (2014) rightly trace to theories of dispossession which secure land as the central fulcrum of research to understand the colonial process. Levien reminds us that unlike the exploitation of labour within capitalism, processes of land dispossession cannot be mystified: dispossession’s blunt reality can be put to use, therefore, to

render visible the extra-economic dispossession which is the lifeblood of capital and state sovereignty.

Maintaining the ability to dispossess: the mechanisms of Canada's dispossession regime:

My analysis of dispossession regimes is not aimed towards reflecting processes of dispossession as stable-state systems; rather, it takes insights from the ways in which regimes respond to dynamic shifts of legal, social and economic realities. Regimes are characterized by two main features: a state willing to dispossess, and mechanisms which are used to generate compliance to dispossession through processes of legitimation (Levien, 2013). Levien (2013, 2015) distinguishes historically specific “regimes of dispossession”, in respect to the variance of these characteristics, or to the “extent to which they must rely completely on coercion or can additionally draw on normative and material inducements to separate people from their land” (p.15). Normative inducements stem from the achievement of widespread popular beliefs that a given act of dispossession is reasonable in the interests of the “public good”. This does not mean that all those who have been dispossessed will be in agreement, but rather that the cultural climate at large upholds and perpetuates the state's legitimacy to dispossess. Material inducements, meanwhile, often attempt to appeal to the needs of the dispossessed—often resulting in value-based assessments of soon-to-be dispossessed land and monetary payments offered in exchange for a community's compliance to development. As I will explain, both normative and material levers of compliance are voraciously active in Canada's regime of dispossession.

While these mechanisms describe the ways that the dispossession regime responds, it does not articulate the driver of its movement—a force that does not emerge from those whose interests are upheld by its actions. Instead, its ongoing machinations are a response to those who act in resistance to it, and dispossession’s countermovement takes place along global and “national” lines. One such moment occurred in 2012 when Steven Harper’s government passed Omnibus Bill C-45—legislation that would cause sweeping changes through the Indian Act, the Navigable Waters Act and the Environmental Assessment Act. The acts promised to almost wholly eliminate environmental protection for waterways in the context of industrial development and to open up reserves to private capital (Diabo, 2013). In 2013, three Indigenous women and one settler ally launched the #IdleNoMore movement in response to the bill, calling for Indigenous sovereignty over their lands (“9 questions about Idle No More,” 2015). Shortly thereafter, Chief Theresa Spence of the Attawapiskat Cree Nation began a hunger strike to protest housing conditions on her reserve and to pledge support to Idle No More, refusing to break her fast until Harper would listen to her demands. Two weeks following the strike, solidarity actions ignited throughout the country under the Idle No More banner. Thousands participated in blockades, rallies, education workshops, panels and “flash mob” dances in highly populated areas (Coulthard, 2014). Coulthard suggests that Idle No More, along with other mobilizations of Indigenous resistance rejecting state forms of recognition, constitute sites of revolutionary praxis against insidious forms of colonial oppression, but also represent key drivers of the state’s shifting response to Indigenous policy.

Indeed, as mentioned in the beginning of this chapter, Idle No More was followed by a significant tone-change in federal policy when Liberal Party leader Justin Trudeau won the 2015 federal election on the promise that his leadership would foreground the rights of Indigenous peoples. Following Trudeau's election, Canada revoked its objector status to UNDRIP, asserting that it would draw on its principles in future decision making around its relationship to Indigenous peoples (Jeffries, 2016). Trudeau made substantial claims about Canada's transformed position on Indigenous rights, noting that "while governments grant permits for resource development, only communities grant permission" ("Environmental assessments," 2017). Many suggested that the move indicated a significant 'new beginning' in the relationship between Canadians and Indigenous peoples (Fontaine, 2016). Shortly thereafter on National Aboriginal Day, an official statement by Trudeau read:

"No relationship is more important to our government and to Canada than the one with Indigenous peoples. Today, we reaffirm our government's commitment to a renewed nation-to-nation relationship between Canada and Indigenous peoples, one based on the recognition of rights, respect, trust, co-operation, and partnership"

("Statement by the Prime Minister of Canada on National Aboriginal Day," 2017)

Despite Trudeau's unprecedented vocabulary to the tune of Indigenous self-determination, in the years following major announcements such as the Truth and Reconciliation Commission and the signing of UNDRIP, many Indigenous leaders have criticized his government for promoting a substantial policy position on Indigenous rights while eschewing meaningful action (Tremonti, 2017).

This does not mean, however, that Trudeau's government has been idle on its agenda to reshape its relationship with Indigenous peoples. In 2018, Trudeau announced that he would be unveiling a new Implementation and Recognition of Indigenous Rights Framework, that would transform the institutional structure between Indigenous nations and the state via the development of "self-government agreements". According to the federal government, this initiative will make "recognition and implementation of rights the basis for all relations between Indigenous Peoples and the federal government going forward." (Government of Canada, February 2018). While the announcements to date have been heavy on such emphatic wording, they lack substantially in detail (King and Pasternak, 2018). Still—as will be discussed in chapter 5—early indicators are beginning to make an overarching strategy visible. This dramatic policy statement on the heels the political flip-flop detailed above indicates that the dispossession regime is still in place. This thesis suggests that the dialogues flowing from government institutions and corporate funded associations in response to Indigenous resistance to dispossessions can help us to understand the stakes of what is to come.

In December 2018, Unist'ot'en and Gidimt'en peoples were forcibly removed from their territories with armed military police for opposing the TransCanada's Coastal Gas Link Pipeline, less than 48 hours after the arrests were made, Trudeau toured the province touting the benefits of LNG and the natural gas that would be piped to it through the line.

*The challenge we have to have as Canadians is to be open to listening to people, to understand their concerns and their fears, and to work together to try and allay them [..]
We will always have in this country perspectives that vary widely.*

(Trudeau in "Trudeau touts LNG amid pipeline showdown in B.C.," 2019)

On the one hand, this discourse appears to be a coolheaded approach to the inevitable uprising of divergent perspectives which politics necessarily requires. On the other, its tone of tolerant neutrality obscures a subterranean colonial relation that is anything but. This thesis will unearth the strategic rationality behind Trudeau's statement, suggesting that it is one deeply informed and shaped by the interests of resource capital and Canadian state sovereignty.

Chapter 1: Think tanks and the state

As institutions inherently oriented towards shaping state policy, the role of the think tanks in this study necessarily brings us to question hard and fast concepts of "the state" as a coherent and unified apparatus of power. If the groups are indeed shaping policy as they set out to, where do the boundaries of "state" and "non-state" really lie? This thesis suggests that the flow of policy narratives between think tanks and the traditionally conceived state apparatus indicates that the line between public and private spheres is inherently ambiguous (operating out of various sites and through the means of diverse actors) and constantly undergoing a process of being redrawn in the context of a given political terrain (Jessop, 2016). Breaking apart easy distinctions between state and civil society helps us to understand how think tanks and the industries that fund them not only blur the line of state and non-state—they are also involved in the process of articulating and negotiating that which is broadly perceived to exist on either side of the divide.

Jessop's (2016) *strategic relational approach* to state power, "SRA", helps to upend the articulation of the state as a unified subject. SRA considers the "effects of state power" to be a "contingent expression of a changing balance of forces that seek to advance their respective interests inside, through and against the state system" (Jessop, 2016, p.54). Within this changing balance, institutions, discourses and other governmental technologies are drawn on by diverse actors with competing interests to create a given "state effect" resulting from their efforts (Jessop, 2016). Understanding the state in this way gives rise to a more expansive

theorization of agency that makes "state effects" or state transformations possible in the first place. It also reminds us that agency to achieve state transformations is not evenly distributed among actors, and a given composition of opportunities and constraints to the production of "state effects" is contingent on power, interest and location of those who wish to generate it. As such, political actors practice a form of strategic context analysis as they map out their plans of action to achieve their goals (Jessop, 2016). Here, what appears to be a *stable* state discourse is an ongoing emergence of state bias amidst a cacophonous terrain of competing interests.

Still, for the purposes of developing some form of clarity on the divisions between "state" and "civil society" in a functional sense, a simple definition should suffice for the remainder of this thesis. When the state is mentioned explicitly, I borrow from Jessop in calling on a "relatively unified ensemble" of institutions and organizations, "whose socially accepted function is to define and enforce collectively binding decisions on the members of society in a given territorial area." (Jessop, 1990, p.341) The question of "social acceptability" of course, is a complicated one, and can insinuate a form of democratic participation which is not necessarily synonymous with any given form of statehood, so in this case "social acceptability" simply suggests that many of the state's citizens recognize and adhere to state policy and judicial rule as the legitimate authority over the given territory as above.

Think tanks and their distinct relationships to the state

A statist approach to governance theory emphasizes the central actors of the state—the prime minister and their advisors, and the most focal institutions of state power, the Senate and the

House of Commons, for example—as the focal steering mechanism for national policy agendas (Abelson, 2009). Following this assumption, think tanks whose board members represent arms of the core state apparatus, for example, would presumably enjoy considerable influence to advocate for certain policy frames and measures. Some such personnel—as we will see, the Institute on Governance presents a particularly fitting example—do indeed meet and consult extensively with government actors at the level of senior government executives.

While this line of direct influence is important, and particularly relevant to the questions at hand, a more institutional approach emphasizes the role of think tanks within “epistemic or policy communities”—which “consist of individuals and organizations that, by virtue of their policy expertise, are invited to participate in policy discussions with government decision makers” (Abelson, 2009, p.54). As participants in these frequently ad-hoc communities, think tanks hold a central role championing particular agendas through the realm of the “sub government”—or “spaces where government and non-governmental actors coalesce around particular policy issues” (Abelson, 2009, p.57). Questions around who is at the table, and how they got there, figure prominently alongside this orientation which delves into the mechanics of networked policy making.

The limitations of this ‘networked’ emphasis is that we can easily lose sight of the role of actors shaping conversations outside of these “insider” environments, which nonetheless work to set the terms by which many of these more intimate policy agendas are discussed. Accordingly, some of the think tanks in this study place a greater emphasis on communicating to public

audiences through the media than on directly communicating to groups of policy makers. “Not only do think tanks vary enormously in terms of the resources they have at their disposal, but they assign different priorities to participating at various stages of the policy cycle” suggests Abelson (2009, p.59). In this context, the relative influence of think tanks cannot be easily registered under metrics such as media citations or lobbying appointments; rather, each is working under a different set of strategic and contextual conditions which help determine the avenues by which they choose to shape the policy terrain.

Think tanks and neoliberalism

A compelling history details how the think tank model came to act as a core transportation mechanism for the juggernaut of neoliberalism. Friedrich Hayek himself pointed out that "second hand dealers" such as think tanks were a critical component in the battle of ideas to achieve neoliberalism's ascendance. As part of this project, Hayek hired Antony Fisher, a businessman who had introduced factory farming to the British poultry industry, to create a research institution that would provide studies on economic theory to journalists, academics and broadcasters (Neubauer, 2017). Fisher responded by founding the Institute of Economic Affairs (IEA) in London, a think tank which would become a model for similar institutions throughout the world that were established in its footsteps. A core tenet of the IEA's strategy was the development of policy publications which espoused simplified and streamlined neoliberal doctrines. The model was astoundingly successful, and was credited with shifting the positions of elite British business executives away from interventionist governments and towards free market neoliberalism such that Thatcher could sweep into office in the 1979 election.

Fisher helped to set up the Fraser Institute in the IEA's image in 1974. Like the IEA, Fraser hired a core group of researchers, contracting out academics throughout the country with similar political views, funding itself through its ties to wealthy business executives and corporations whose interests it upheld (Gutstein, 2014). Shortly thereafter, Fisher established the Atlas Economic Research Foundation as an organization that would help systematize and even automate the process of establishing similar think tanks throughout the world. Atlas' executive director, Alex Chauften, is a Trustee at the Fraser Institute (Gutstein, 2014). Indeed, two of the think tanks in this study have direct memberships in Atlas (Neubauer, 2017). While the CBoC and IOG are less integrated within the highly-organized institution of neoliberal think tanks, common themes between their policy materials and those of the Fraser and MLI suggest that they may carry substantial resonance with neoliberal political policy. Further, by occupying more “moderate” positions via discourses produced and networks convened, these groups may carry out a critical function in the dissemination of neoliberal policy to arenas which may otherwise be opposed to it.

The Fraser Institute

The Fraser Institute was founded in 1974 by Michael Walker, co-founder of the Economic Freedom of the World Index with Milton Friedman, and T. Patrick Boyle, VP of logging corporation MacMillan Bloedel (Gutstein, 2014). As its ties would suggest, the Fraser Institute is staunchly neoliberal, and thus active in its advocacy for free market policy. It frequently cites neoliberal figures like Friedman himself, and Friedrich Hayek. Carroll and Shaw (2001) have noted that Fraser can be likened to several major US free market advocacy think tanks such as

the American Enterprise Institute. Carroll and Shaw note that while Fraser appears to carry less direct influence in federal politics, its advocacy work—primarily occurring through its media publications—carries out a function of its own, extending the limits of political discourse deemed acceptable. Over time, Hackett and Zhao (1998) suggest that while Fraser continues to disseminate far-right policy agendas, its public perception has moved from the extremist fringe towards the centre. Indeed, Fraser’s growing rates of mass media coverage are indicators of its uptake as a key figure in policy debates (The Fraser Institute, 2017), a trend which indicates the normative trajectory of neoliberal ideology as it is diffused throughout political terrain—a political project driven in part by think tanks like the one in question.

Early financial support for the organization was procured through major oil industry executives and some of Canada’s largest banks, and by 1975 it boasted over 175 corporate members, including nearly all of Canada’s major fossil fuel companies (Gutstein, 2009a). Although it does not publicly disclose its funding ties, various donations have surfaced, indicating that its financial supporters continue to exert powerful corporate influence over the institution. This includes those who have a proven record of disseminating climate denial, such as the Koch Brothers (Neubauer, 2017). Fraser has also accepted over \$120,000 in donations from Exxon Mobil (“Conservative Transparency,” 2019).

Accordingly, Fraser has distributed policy materials actively voicing support for the development of oil and gas resources, including taking an active stand on major oil and gas developments such as the Northern Gateway Pipeline, Kinder Morgan Trans Mountain pipeline

and others. But its history of producing policy materials that support the interests of its funders is not limited to oil and gas. For example, leaked emails between Fraser and the British American Tobacco company in 1999 showed that Fraser promised the company research to “dispel myths” about the risks of second-hand smoke in return for financial donations (Gutstein, 2009b).

The Fraser’s board is replete with Canada’s corporate elite, and is heavily represented by the oil and financial sectors: its Chairman, Peter Brown is founder of Canaccord Genuity Group, while its Vice-Chairman, Rod Senft, is the Managing Director at Tricor Pacific Founders Capital Inc. and a director for Pender West Capital Partners Inc.— two investment management companies based in BC. Fraser’s oil connections also come through in its board of directors, including Ken Jespersen, CEO of Seven Generations Energy, and Gwyn Morgan, former President and CEO of Encana Corporation and Chairman of SNC Lavalin (“Gwyn Morgan,” 2019). Another Fraser director, Susannah Pierce, is the director of External Relations at LNG Canada, tasked with “managing the LNG Canada brand”. Susannah formerly held executive positions with Shell Canada and the TransCanada Corporation (“Susannah Pierce,” 2019).

Fraser’s materials on Indigenous policy date back to 1998, but the volume of its policy work in this area was relatively limited before 2012. Up until then, Fraser published just a few white papers per year, but by 2017 that number had risen to eight. As will be discussed in chapter 2, Tom Flanagan, author of the controversial book *First Nations, Second Thoughts* is a research fellow at the Fraser. Flanagan will figure prominently in the progression of the dispossession

regime through his instrumental involvement with the development of the First Nations Property Ownership Initiative (FNPOA).

Of the four groups, the Fraser Institute fits perhaps most neatly with the “advocacy think tank” category given that it is outspoken in its ideological orientation and explicit about its adherence to the tenets of neoliberal policy. As evidenced in its continued association with Flanagan despite his ostracization following abjectly racist publications such as *First Nations, Second Thoughts*, Fraser is also an outlier amongst the four groups in its willingness to adopt an openly hostile attitude towards Indigenous peoples. This includes but is not limited to white papers problematizing the rise in the number of Canadians seeking Aboriginal Status due to increased costs for the federal government (Flanagan, 2017).

The MacDonald Laurier Institute

Inaugurated in 2008, the MacDonald Laurier Institute is the youngest of the organizations included in this study. MLI was founded by Brian Crowley, founder and former executive director of the hard-right neoliberal think tank and ATLAS-grantee, the Atlantic Institute of Market Studies (Gutstein, 2014). Months before establishing the MLI, Crowley advised the Harper government through his post as the Clifford Clare Visiting Economist in the Department of Finance. At the organization’s founding gala, Finance Minister Jim Flaherty advised a number of corporate executives with whom he was affiliated to attend, noting the importance of MLI’s mandate (Gutstein, 2014, p.54) — leading media to criticize the Harper’s government for crossing an ethical line in their support for a supposedly “non-partisan” policy institute.

At the advent of its founding, MLI received initial funding from four major Canadian banks, as well as a host of other corporations and industry associations including Encana and the Canadian Petroleum Products Institute (Gutstein, 2014). Since then, corporate sponsorship has followed apace: its 2017 annual report lists Teck Resources Limited, the Canadian Gas Association, the Charles Koch Foundation, the First Nations LNG Alliance, the Mining Association of Canada, as sponsors of its programming and events (Macdonald-Laurier Institute, 2018) Unlike the Fraser Institute, the MLI distances itself from explicit neoliberal discourses, working instead to generate an image of relatively non-partisan objectivity. Its website, for example, suggests that the group is “the only non-partisan, independent public policy think tank in Ottawa focusing on the full range of issues that fall under the jurisdiction of the federal government” (Macdonald-Laurier Institute (2018).

However, MLI’s affiliations indicate otherwise. As an ATLAS member, MLI’s board is well populated with executives from fellow ATLAS organizations throughout North America, including the Fraser Institute. Its directors’ affiliations extend throughout Canadian corporate capital, particularly in finance, mining and energy sectors. Its chair, Pierre Casgrain is a senior member of Casgrain and Company, a fixed income finance firm, while one its directors, Blaine Faval, is the Executive Chairman for the oil company One Earth Oil and Gas, an oil and gas exploration company in Alberta. Martin McKinnon is the Chief Financial Officer for Black Bull Resources Inc., a mining company based in Halifax.

In 2013, the MLI inaugurated a special research stream dedicated to state-Indigenous policy issues in the context of Canada's resource development industry. Called the Aboriginal Canada and the Natural Resource Economy project, it is described as "seeking to attract the attention of policy makers, Aboriginal Canadians, community leaders, opinion leaders and others to some of the policy challenges that must be overcome if Canadians, Aboriginal and non-Aboriginal alike, are to realize the full value of the potential of the natural resource economy" (Crowley and Coates, 2013, p.iii). Since then, it has produced a total of 19 white papers on topics surrounding resource development and industry accommodation measures for Indigenous peoples, along with a host of media interviews, radio appearances and the like. MLI's recent Annual Report claims that "MLI has deepened its ties to the federal Justice Minister, Jody Wilson-Raybould, by naming her our Inside Policy Policy-Maker of the Year for her leadership on Indigenous issues," further adding that Ken Coates—head of the Indigenous Affairs research stream— has been contracted to consult for Raybould surrounding Indigenous reconciliation, and that "she has been very encouraging about MLI's work" (Macdonald-Laurier Institute, 2018, p.17). MLI advertises its influential relationship with government, suggesting that "The federal government's planned sweeping changes to major project assessments have heeded the advice of Coates and MLI author Bram Noble and included requirements for early and effective engagement with Indigenous communities" (p.17).

Indeed, Coates is a notable actor within Indigenous policy and resource development circles: in 2017, he won the Conference Board's Canadian Council for Aboriginal Business (CCAB) Award for Excellence in Indigenous relations, and is a member of the Council's "Blue Ribbon Steering

Committee for National First Nations Sustainable Economic Development. Coates also works as an advisor for the First Nations LNG Alliance on their discussions with the BC Government surrounding LNG development (Macdonald-Laurier Institute, 2018). Finally, Coates acts as advisor to the First Nations Major Projects Coalition—an organization that helps to facilitate major resource development projects for First Nations (“Project ID and Support”, 2019).

The Conference Board of Canada

With an annual budget exceeding \$30 million, the CBoC is the largest research institute in the country (Abelson, 2009). The Board has a large and active staff producing first-hand technical research, providing economic modelling and analysis to policymakers and the business community (Abelson, 2009). In addition to its economic data, it produces policy reports surrounding several topics from health care policy to immigration to business governance alongside its Indigenous policy research.

Like the MLI, the CBoC curates its image as a rationally-motivated and objective entity, describing their research as “independent, and evidence-based” adding that they do not “lobby for specific interests.” Board members’ corporate affiliations, however, betray its alignment with the interests of major corporate capital entities. Members include Dawn Farrell of TransAlta Corporation, Benoit Daigneault of Export Development Canada, and Laura Nashman, CEO of the British Columbia Pension Corporation. (“Board of Directors”, 2019). Susan Black, CBoC’s President and Chief Executive Officer, has a long history of executive positions in the corporate sector, including at companies such as Holt Renfrew & Co.

CBoC's Indigenous policy stream, "Northern and Aboriginal Policy" has been in operation since 2008, featuring early works such as "From Vision to Venture: An Account of Five Successful Aboriginal Businesses" (Conference Board of Canada, 2008) to current titles such as "Finding the Win-Win in Major Project Agreements: Lessons from Indigenous Groups and Industry Proponents" (Conference Board of Canada, 2017). While this research stream is notably less technical than CBoC economic modelling materials, the CBoC's Indigenous policy reports adopt a more systematic, case study approach than the MLI and Fraser.

It is unclear how the CBoC finances its operations. Its website states that the organization is "funded exclusively through the fees we charge for services to the private and public sectors", but fails to clarify the meaning of "services". It goes on to state that overall revenue of \$33.7 million is harnessed through the CBoC's base of "clients"— 51% of which draws from private funding sources, and 42% stems from the public sector, with the remaining flowing from scholarships (Funding, 2019). While the CBoC does publish its consolidated financial statements online, these documents do not include information about the identity of its donors. Its corporate ties become apparent, however, when we unpack the funders for its various professional training courses and conferences.

As its name would suggest, the CBoC doesn't simply operate as a research organization. It also acts as networking convener, hosting several ongoing councils that share information, network and contract research, as well as networking events and conferences. Accordingly, enveloped

within its Northern and Aboriginal Policy Centre, the CBoC hosts the “Council on Corporate Aboriginal Relations” described as a “networking council” of “corporate-Aboriginal thought leaders” that “helps senior-level representatives from public, private, and Aboriginal organizations build and leverage their relationships to better address their objectives” (“Council on Corporate Aboriginal Relations (CCAR)”, 2019). Members include the Canadian Association of Petroleum Producers, BC Hydro, Enbridge, Imperial Oil, the Royal Bank of Canada and Union Gas Limited (among other corporate members) along with the Indigenous relations ministries from Ontario and Nova Scotia. The only listed First Nation included in council membership is the Wolastoqey Nation in New Brunswick (“CCAR Membership,” 2019).

While in the past the Conference Board has been identified as a technically-inclined, “traditional” think tank less focused on advocacy and consensus formation (Carroll and Shaw, 2001), I identify a distinction between the mainstay of their economic policy agenda and their Indigenous policy stream which appears to take a substantially advocacy-based role. The CBoC also offers contract research services to companies, marketing this capacity specifically to CCAB members, noting that CBoC staff working with the Council and with the Centre for the North, Indigenous policy stream, can tailor research programs towards their clients’ needs (“CCAR Custom Research/Services,” 2019).

In 2017, the Centre hosted a conference in Calgary aimed at Indigenous youth and the resource development industry. The conference, titled “The Summit of Indigenous Youth and Natural Resources Development” offered panel spots to Executives from the Canadian Association of Petroleum Producers, Suncor, and CIBC. One presentation “A Holistic and Forward-Looking

Vision: Linking Resource-Based Development to Indigenous Self-Determination” featured MLI Fellow Ken Coates and Brian Titus, Vice Chair and Acting Chief of the Financial Management Board (see chapter 5) (The Conference Board of Canada, 2018).

The Institute on Governance

Founded in 1990, The Institute on Governance describes itself as a “not-for-profit interest institution” that acts as a convener for government, industry and academia to advance the “practice of good governance in Canada” (“About the IOG,” 2019). The institute carries out several research initiatives on theme areas—of which Indigenous governance is one— as well as providing consulting services and delivering workshops to governments, crown corporations and the not for profit sector, and convening conferences and other events throughout the country.

In 2017, the Institute ran the “Characteristics of Nation to Nation Relationship” research and event series based on focus areas including “Intergovernmental Fiscal Relationships” and “Collective Governance and Wealth Creation”. The series was co-directed with Canadians for a New Partnership, a “leadership initiative” invested in “building a new partnership between First Peoples and Canadians” (Launch of Canadians For a New Partnership”, 2014) founded by former Prime Minister Paul Martin. The event culminated in a national Summit held in Ottawa, featuring speakers such as Charlie Coffey, former Executive Vice President, Government Affairs and Business Development at RBC; Carolyn Bennett, Minister of Crown-Indigenous Relations and Northern Affairs, and Jane Philpott, Minister of Indigenous Services. The Canadian

Association of Petroleum Producers was one of the top funders of the event—possibly explaining why its President and CEO, Tim McMillan, was listed as a panel speaker. Funders also included the Canadian Mining Association and RBC Bank, among other corporate members (“Nation-to-Nation National Summit, 2019). Of note, most of the Summit’s attendees consisted of government employees and senior executive and industry representatives (Nickerson, 2017f). While some Indigenous leadership from two First Nations is referenced, this unbalanced representation from industry and state suggests that the invitation process was not extended to all First Nations’ hereditary and band leadership across the country.

As the Summit suggests, the IOG is highly networked with federal government actors. Its former president Maryantonett Flumian was the Deputy Minister in the Federal Public Services. The IOG’s Advisory Circle is also replete with industry and high-level government executives, including Jean-Francois Tremblay, Deputy Minister of Indigenous Services (IS), Deborah Richardson, Deputy Minister of Ontario Ministry of Indigenous Relations and Reconciliation, and Bryce Conrad, President and CEO of Hydro Ontario. Another Board member, Colin McKay, is the Head of Public Policy and Government Relations, Canada for Google and has been voted as one of the top 100 Lobbyists in Ottawa since 2015 (“Colin McKay- LinkedIn,” 2019). Scott Serson, co-chair of the IOG’s Indigenous Advisory Council, worked in the federal government from 1985 to 2003, during which time he was Deputy Minister of INAC and was instrumental in the writing the report *Gathering Strength* -- the federal government’s response to the Royal Commission on Aboriginal Peoples (RCAP), published in 1999 (see chapter 3). Harold Calla,

member of the Squamish Nation and Executive Chair of the First Nations Financial Management Board (FMB) (see chapter 5) also sits on the Advisory Council board. (“Board & Advisory,” 2019)

The IOG’s relationship to the federal government extends beyond its substantial board ties. The IOG regularly lobbies CIRNA executives and has worked as a contractor on the Federal government’s “Co-development of a New Fiscal Relationship” program co-developed by the Assembly of First Nations and that and Indigenous Services, initiated in 2016 (Government of Canada and the Assembly of First Nations, 2017). As a registered charity, the federal government is the IOG’s largest funder, with lesser contributions from provincial and municipal funding making up the remainder of its \$3.9 million annual revenue from government sources. While it does not list any donations, it claims to receive over \$2.5 million from the sale of goods and services. Its employees total almost 30 full and part time staff with comfortable salaries—the largest being over \$200,000 annually (“Charity’s Return: Schedule 6: Detailed Financial Information—The Institute on Governance,” 2017).

Conclusion

While each of the groups manifests some degree of corporate influence through board and/or funding ties, each links into the policy network differently. While the IOG works closely with government, groups such as the Fraser and the MLI adopt a more obliquely advocacy-based approach. Despite such differences, the subsequent chapters will outline key commonalities between the policy discourses they produce. But before I unpack my findings of the think tanks’ current materials, the next chapter will contextualize the political terrain where these materials

are embedded, suggesting that it is indivisible from a trajectory of policy discourse in Canada and the US that centralizes the role of capital in producing a postcolonial relationship between Indigenous peoples and the state.

Chapter 2: Unpacking Canada's history of dispossession regimes: from assimilation to recognition

Painted in broad strokes, Canada's dispossession regime has passed through a few significant eras, each bearing distinctions in the ways the state sought to dispossess Indigenous forms of jurisdiction. From the beginning of settler contact in the 15th century to the mid 1860's Settler-Indigenous relationships were not always uniformly oppositional. The impacts of settlers on Indigenous communities was indeed unprecedented: trading networks shifted economic systems, and introduced diseases caused Indigenous populations to plummet (Harris, 2002). However, during this period settlers often engaged with Indigenous peoples as distinct nations and trading partners.

Widespread European settlement gained momentum as Britain gained control of the French Colonies, leading to the formation of the Dominion of Canada in 1867 ("Reserves," 2009).² It was during this period that the trading relationships between Indigenous and European settlers began to morph into a different relationship altogether, facilitated in large part by the reserve system that forcefully removed Indigenous peoples from their land and placed them on reserves (Harris, 2002). Mere fractions of the land which Indigenous peoples had claimed as

² The reserve system in itself far predates this time-frame: the reserve system was first established as early as 1637, when French missionaries set aside land to bestow on the Indigenous peoples whose territories they had appropriated ("Reserves", 2009).

their territory prior to colonization, these reserves were unable to sustain the communities which suddenly relied on them. Considering that Indigenous peoples were often barred from leaving the reserve without the explicit consent of the settler state, the reserve system was nothing short of a genocidal attack. Reserves were subsequently enjoined by other tools of colonization such as residential schools and the staggering imposition of resource extraction (primarily fishing and logging) on Indigenous territories—further alienating the means of subsistence from Indigenous peoples (Pasternak, 2017).

This period of overt suppression and assimilation was met with a significant uprising of Indigenous struggles for self-determination (Manuel, 2015). During this time, state discourses on assimilation-based policy reached their apex when Pierre Trudeau and Jean Chrétien’s 1969 White Paper proposed to remove Indigenous status and insert fee simple land title on reserves to fast-track assimilation of Indigenous peoples into capitalist settler society. Under the White Paper, reserve lands would be converted to private property, INAC would be disbanded, and all treaties would gradually be extinguished. The paper was forcefully opposed in many Indigenous communities, spurring the formation of numerous Indigenous rights organizations and mobilizations throughout the country, generating what Atleo (2009) calls an “unprecedented pan-Indigenous unity and a renaissance of Indigenous rights articulation in Canada” (p.9). Out of this movement sprang major Indigenous rights organizations including the National Indian Brotherhood (now the Assembly of First Nations) and the Union of BC Indian Chiefs. (Atleo, 2009, p.9).

This emergence of anti-colonial nationalism, suggests Coulthard (2014), “forced colonial power to modify itself from a structure that was once primarily reinforced by policies, techniques and ideologies explicitly oriented around the genocidal exclusion/assimilation double, to one that is now reproduced through a seemingly more conciliatory set of discourses and institutional practices that emphasize our recognition and accommodation” (p.6). Nevertheless, the fundamental reality of the state as a colonial entity remains the same. He notes that consolidated channels of resistance saw government respond by “attempting to contain these outbursts through largely symbolic gestures of political inclusion and recognition”, increasingly negotiating Indigenous dissent “in the manageable form of land claims and self-governing agreements” as opposed to its previous strategy of “willfully ignoring Aboriginal people’s rights” (p.163).

A new phase, reaching from the 1990’s onward, represented a shift towards discourses on Indigenous policy which sought to reconcile Indigenous title with the persisting reality of Crown sovereignty (Coulthard, 2014). My interest in this thesis will expand on these broad categorizations of colonial history in Canada, but will take a focus towards shifts occurring within the most recent ‘turn to reconciliation’ in Indigenous politics (Simpson, 2008), a period characterized first by a decade-long regime led by Stephen Harper and then by the shift in power from Prime Minister Stephen Harper to Justin Trudeau.

RCAP

With the aforementioned context in mind, the Report of the Royal Commission on Aboriginal Peoples (RCAP)—published in 1996—was written amidst an already rapidly evolving political

terrain of state-Indigenous policy development, but its release nonetheless galvanized a formative point of departure from the Canadian state's fealty to assimilation-based policy (Coulthard, 2014), and it laid down roots that extend throughout the contemporary policy discourses emerging from the industry-funded think tanks which are the focus of this study. Under the Conservative Government of Brian Mulroney, the Commission's founding in 1991 served as part of the government's response to the Oka Crisis of 1990. It was tasked with a sixteen-point mandate to investigate Canada's colonial history with Indigenous peoples, and to recommend a path towards reconciliation. Five years after it was launched, RCAP's 440 recommendations, developed through five years of consultations and four thousand pages, reflected a rare, institutionally sanctioned recognition of Canada's colonial history. It presented an unprecedented acknowledgement of the state's physical and cultural dispossession of Indigenous peoples as a product of its very existence.

At the heart of RCAP's recommendations was the call for a "new relationship" between the state and Indigenous peoples made possible through the state's improved capacity to recognize limited forms of Indigenous peoples' self-determination through new structures of self-government. RCAP pushed back against the Indian Act, suggesting that the band council-style of government representation it had enforced on Indigenous peoples should be abolished and replaced by 60-80 "nations" which would exercise a limited degree of jurisdiction over their own affairs, often within an expanded land base with which to govern (Government of Canada, 2008).

RCAP was also notable in its work to tie the distribution of political recognition (through land and governance rights) to the foundation of an economic strategy. “Ironically” suggests Atleo (2009), “while RCAP highlighted the inherent challenges of positioning development discourse with its notions of “progress” against “popular images of Indigenous people as backward, traditional, and stuck in the past, much of the report accepts the neoliberal language as inevitable in contemporary Canadian society” (p. 15). One of its core principles— “self-reliance”— foregrounds land claims as a method of promoting Indigenous participation in the Canadian economy, calling for government policies to encourage entrepreneurialism in Indigenous communities by removing barriers to market access (Government of Canada, 2008). Throughout its section on economic development, RCAP highlighted the importance of capacity building, including the development of Aboriginal institutions to manage economic development, as preconditions for an Indigenous nation’s capacity for self-government. RCAP presented a formative Canadian state policy document where “good governance” and economic growth were unquestioningly merged. But while RCAP’s inclusion of Aboriginal economic development was limited to one of its many sections, other national and international policy development initiatives—to be taken up shortly—adopted a variant of Aboriginal economic development as a guiding principle.

The Harvard project on Aboriginal Economic Development:

RCAP’s emphasis on economic development as a pathway to nationhood was not created in a vacuum: four years prior to RCAP’s launch, the Harvard Project on Aboriginal Economic Development, based on work from a research team at the same university, was surfacing

similar concepts throughout US and international policy arenas (Atleo, 2009). The Harvard project similarly proposed a concept of “Nation Building” to counter assimilation-based policy, stating that “past approaches to development by assimilation, [...] are on the wane, largely because of their repeated failure.” The project's scope is noteworthy: it carried out a systematic study on Native reserves throughout the United States in the hopes of identifying a causal link between styles of governance and economic wealth. A nation's strategy of governance, they suggest, is the single most influential element of predicting a First Nation’s economic prosperity, beyond that of land mass, proximity to natural resources, or population (Cornell et al, 2002).

Founded by professors Stephen Cornell and Joseph P. Kalt, the project has evolved into a major research initiative based at the Native Nations Institute for Leadership, Management, and Policy at the University of Arizona. It has resulted in hundreds of research studies, and its academic personnel have taken on advisory roles in a number of political arenas—including weighing in on Canada's Indigenous policy regime. Kalt and other researchers were hired as consultants, for example, by the Office of the British Columbia Regional Vice-Chief of the Assembly of First Nations (AFN) to weigh in on the First Nations Governance Act (Bill C-61). In their report for the contract, Cornell et al (2002) noted that their work as consultants on Indigenous governance issues in Canada was on the rise (Cornell et al, 2002).

Cornell and Kalt (1998) describe two approaches to economic development on American Indian reserves as indications of two polarized policy options: the first, a "jobs and income approach" focuses primarily on generating economic opportunities with the current governing structure of reserves largely intact. The second, "nation-building" approach addresses the same fundamental issue of poverty but takes a more intensive approach to development: the governance of the nation itself must change, they suggest. "The nation-building approach says the solution is to put in place an environment in which people want to invest" they note, "the point is that most investors have choices. If they don't see a possibility of a payoff here, there is little to stop them from going somewhere else" (1998, p.7). "Sovereignty, nation building and economic development go hand in hand" they added (1998, p.2). Of course, "sovereignty" is a loaded term that is anything but self-evident— it is inherently patterned by its interlocutors. In Harvard's case, the concept of "sovereignty" is constrained by a particular set of normative ideas about the relationship between governance and capital which will prove to be a critical foreshadowing of the Canadian state-Indigenous policy landscape that will unfold in subsequent chapters.

A set of three key research findings undergirds Cornell et al's (2002) initial research initiative. The first, "practical sovereignty", suggests that the Nation should have "practical control of reservation affairs, resources, institutions, development strategies and the like" (p.4). The second, "capable governing institutions", specifies that the nations must "back up jurisdictional power with governing institutions capable of exercising that power effectively, responsibly and reliably" (p.1), they suggest, adding that "this means, among other things, that it has developed

a reliable and politically independent court system, has decoupled politics and business management, and has developed the ability to make and implement decisions in a timely fashion” (p.4). The final finding, “cultural match”, holds that governing institutions should “match” “indigenous conceptions of how authority should be organized and exercised, thus winning the support of the community for the institutions themselves” (p.5). Where these three core principles are put into practice, they suggest communities will begin to see their “assets”—referenced to include natural resources, education, location and financial capital—“begin to pay off;” meanwhile they caution that “where [these principles] are absent, such assets are more often squandered” (p.6).

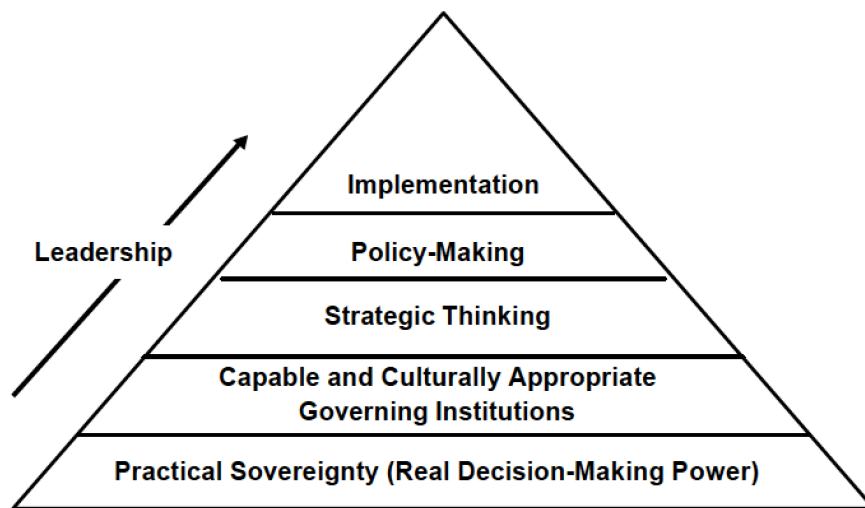


Figure 1. The Development Pyramid

Figure 1: The Harvard Project on Aboriginal Economic Development, "Development Pyramid" (Cornell et al, 2002, p. 6).

The Harvard project is also a staunch advocate for a "decentralized" approach to Indigenous policy-making, suggesting that since each nation possesses various levels of the governing capacity described above, policies should not be applied unilaterally. Thus the allotment of

"practical sovereignty" should be responsive to the nation's level of governance capacity.

Cornell et al (2007) write, "Native nation building is a governance challenge. It is about Native nations enhancing their own capacities for effective self-rule." (p.352).

Implicit in the normative assumptions of governing "capacity" is the ability for nations to stimulate favourable environments for capital accumulation—proposals under this umbrella range from the development of financial institutions to the development of governance systems that protect business from politics. RCAP made several references to the Harvard Project throughout its report, and commentators further clarified the relationship between the two (Reynolds, 2001). At its core, the Harvard project reflects a critical point of divergence for discourses on aboriginal economic development, and for the dispossession regime more broadly. In Harvard's view, governance and the devolution of power from federal and provincial governments to Indigenous nations is a key piece of the "development puzzle". This devolution of jurisdiction is contingent, however, on a particular form of "governance capacity" that is capable of incentivizing investment on reserves. As I will go on to explain, this yoking of a particular form of economic performance to autonomy and "nationhood" is a base note in the new dispossession regime. Its diffusion into Canadian state policy since Cornell and Kalt (1998) first popularized their writing in the mid-nineties is germane to this thesis's attempts to understand what is at stake in the steady-slide from assimilation policy to one of recognition.

To that end, the Harvard Project on Aboriginal Economic Development—and its insertion into selected tracts of RCAP—carried substantial political latitude in Canadian Indigenous-state

policy development. It became a high-profile, institutionally driven acknowledgement of the importance of state recognition of Indigenous nationhood while popularizing a normative discourse linking that recognition to a particular variant of economic development. As this thesis will go on to explain, however, its most powerful interjection into the discourse on Aboriginal Economic Development is the notion of a *decentralized* policy landscape that devolves conditional forms of “sovereignty” to Nations in a manner that is anything but unilateral. Despite this critical significance, Harvard’s more profound implications were not immediately absorbed within Canadian Indigenous-state policy discourse. In what follows, I will introduce a brief history of the uneven uptake of Harvard’s recognition politics which have now begun to dominate the dispossession regime’s current profile.

Aboriginal economic development under Harper

A year after RCAP’s release, the federal government responded through the policy report, *Gathering Strength* (Minister of Indian Affairs and Northern Development, 1997). While it joined RCAP in acknowledging Canada’s history of colonialism, it relegated it to “the mistakes and injustices of the past”, thus fabricating a divide between what is seen as “an unfortunate legacy of colonialism” and the “new course in its policies for Aboriginal Peoples” (Coulthard, 2014, p. 121). It also foregrounded the government’s intention to extend newfound political recognition to nations while proposing a number of initiatives that would build “governance capacity” as a precondition to that recognition. Again, Aboriginal economic development was placed alongside the tenets of a capable government. The new approach promoted access to investment capital by extending the reach of commercial loans and debt. While it

acknowledged that “access” to land and resources was a necessary ingredient to self-government, this access was conceived exclusively through the lens of capital. *Gathering Strength* suggested that Nations should be given greater opportunity to benefit from the resources being extracted from their territories through benefit agreements and co-development partnerships with industry and government—but failed to take up the question of ultimate jurisdiction over land.

In the following ten years, discourses of Aboriginal economic development proliferated throughout federal state-Indigenous policy development. In 2007, the Standing Senate Committee on Aboriginal Peoples released its report *Sharing Canada’s Prosperity: A Hand up Not a Hand Out* doubling-down on the normative economic values gestating in RCAP. In the Standing Report, state recognition is presented as a necessary path away from the symptoms of “dependency” flowing from assimilation-based policy such as the Indian Act, and Indigenous resurgence is articulated as a pursuit to “close the economic gaps” between Canadians and Indigenous peoples. Again, the capacity of nations to act as self-governing entities was predicated on principles such as the idealized separation of “business from politics” and the ability to market a nation’s “best features” to potential investors (Standing Senate Committee on Aboriginal Peoples, 2007). Two years later, Stephen Harper’s federal government published the Federal Framework for Aboriginal Economic Development. The report lamented what it perceived to be a lack of Indigenous-private sector partnerships, suggesting that the time was ripe for these connections to be forged: “The private sector is increasingly realizing the tremendous economic potential of Aboriginal Canadians” (Stahl, 2009, p.1), it noted, adding

that the Indigenous peoples' proximity to over \$315 billion dollars in major resource development projects implicate the state's responsibility to act as a convener between First Nations and industry (Government of Canada, 2009). The report highlighted the rapidly growing population of Indigenous youth as a viable source of labour for natural resource industries, outlining the state's intention to develop Aboriginal "human capital" (p.10) and move towards "self-reliance" (Government of Canada, 2009, p.5).

Of note, while the above policy materials that emerged post-RCAP emphasized Aboriginal economic development as a means of lifting Indigenous peoples out of poverty and "closing the gap" between Indigenous peoples and non-Indigenous settler Canadians, they each situated their recommendations in discursive frames of moving away from *dependency* on the state, rather than an expression of nationhood and Indigenous self-determination. This omission was addressed in the legislation that was to come.

Shifting discourses on privatization

If a particular variant of Aboriginal economic development—and the assumptions which undergird it—offer an exoskeleton for the current dispossession regime, the ongoing saga behind the state's quest to privatize Indigenous reserves provided a substantial part of the musculature facilitating its movement. As I will go on to explain, the ways in which privatization discourse has changed over the past quarter century offers signposts that help us to decipher where the regime is headed. In his thesis on this question, Michael Fabris (2016) suggests that Canadian governments' attempts to facilitate increased capital accumulation on reserves "have

shifted discursively from a 'property rights as assimilation' narrative to one of 'property rights as recognition'" (p.16). As I will go on to explain, this transition was facilitated by the equation of pre-colonial property regimes with those embedded in capitalist economics. Many figures within Canadian think tanks figure prominently in this shift, and the policy materials they have helped to develop are indicative of the ways in which capital interests have collided and merged with that of the core state apparatus throughout the shift from the assimilationist dispossession regime to one of recognition. The connective tissue between regimes helps to illuminate their underlying structure, and I will go on to suggest that changing discourses around land privatization provide a helpful window at this juncture.

The establishment of private property on reserves has been a critical discourse of state Indigenous policy since the 1969 White Paper. Indeed, the extinguishment of Indigenous special status that it recommended was complemented by calls for privatization of reserve lands with the explicit aim of "levelling the economic playing field" for Indigenous peoples. To rationalize its recommendations for the extinguishment of Indigenous special status and the justification for the privatization of reserves, the White Paper grounded its objectives in values of "equality" and levelling the playing field between Indigenous peoples and settler citizens (Pasternak, 2009).

As mentioned previously, the response from many Indigenous communities to the White Paper was overwhelmingly negative. In the wake of resistance, a different narrative began to emerge

in the arena of state-Indigenous policy making—albeit one which continued to hold up land privatization as a means of development in Indigenous communities.

Tom Flanagan, research fellow at the Fraser Institute, has played a pivotal role in shoring up support for privatization policy as well as leading the charge to transform its formerly assimilationist bent to one of recognition. Flanagan's (2008) book, *First Nations, Second Thoughts*—arguably the most controversial of his career—called for the abolition of special status for Indigenous peoples, presenting a rallying cry for assimilation-based policy in one of its purest forms. His next book, *Beyond the Indian Act*, co-authored with Andre Le Dressay and Christopher Alcantara (2011), accepted that both his earlier book and the White Paper had made some critical missteps. The authors headed up the first chapter by suggesting that in contrast to Flanagan's former book, readers “will realize that [Flanagan's] views on aboriginal property have evolved since then. Mainly through discussions with Manny Jules [Flanagan] has come to realize that making property rights functional for First Nations requires recognition of their underlying title to their lands” (2011, p. 64).

The underlying premise of the shift from a narrative of pure assimilation to one of recognition was facilitated by a discursive fix that attempted to harmonize private property regimes with the pursuit of Indigenous rights and self-determination. Whereas private property rights on reserves were previously framed as a means by which Indigenous people could be read as "equal" to other Canadians through newfound access to capital accumulation, the same private property initiative was now being expressed as a way for Indigenous peoples to regain rights to

their land dispossessed through colonialism. I want to suggest that this is not an incidental transformation, but a fundamental reorientation to the discursive strategy by which Aboriginal economic development is promoted to Indigenous peoples. To substantiate this shift in policy discourse, Flanagan and his supporters created an ontological fix by suggesting that there is no fundamental distinction between Indigenous jurisdiction over land and fee simple property rights (Flanagan et al, 2011). Subsequently, private property rights were conflated with the act of “giving” Indigenous people possession of their territories.

While proponents of privatization such as Manny Jules, former Chief of the Kelowna Indian Band, suggest that Indigenous title remains with band leadership despite privatization, Pasternak (2015) suggests that the courts have already established that the inherent exclusivity of fee simple and Indigenous title mean that the two systems cannot meaningfully coexist. Arthur Manuel (2007) has also been a vocal opponent of land privatization, suggesting that “Indigenous Peoples need to realize if we unconditionally accept Fee Simple as full title in our Indian Reserves it will undermine our Aboriginal Title” (p.37). Since it is beyond the scope of this thesis to offer a systematic critique of this argument, a few points bear repeating in brief: in order to conflate concepts of private property with Indigenous rights, proponents needed to dispel notions of the collective which is inherent in many conceptualizations of Indigenous jurisdiction, and reflected in Supreme Court articulation of Indigenous title (Pasternak, 2015). In *Beyond the Indian Act*, however, Flanagan et al (2011) suggest that it is “both ironic and tragic that this originally European conception of Indians as natural communists has now been accepted by many aboriginal leaders and thinkers,” as it is now “a barrier to native participation

in the modern economy” (p.70). Certainly, from the perspective of a modern capitalist economy, the courts have established that land under Indigenous title or demarcated as a reserve is viewed as inherently less valuable than fee simple, given the legal limitations regarding taxation and equity that it is subject to. These limitations have been charged with creating an environment of uncertainty around land speculation on title and reserve lands (Museum Indian Band v. Glass).

But herein lies a problem: if values of capital accumulation and economic efficiency are the sole metric of land governance regimes, fee simple on Indigenous land might indeed provide a suitable option. But if other values are taken into consideration—for example, the strength of claim held by an Indigenous nation to hold ultimate jurisdiction over their land—fee simple may offer a profound devaluation from the Torrens system that governs reserve lands currently. Indeed, fee simple is not as strong as Aboriginal title- particularly when this title is grounded through inherent Indigenous law (Pasternak, 2015). Aboriginal title, as established in *Delgamuukw*, “recognized Aboriginal title as the collective proprietary interests of Indigenous peoples in their ancestral territories” (Pasternak, 2015, p.189). In contrast, private property is held by the individual landowner or family and as the ultimate arbiter of that private property, the landowner can choose to surrender fee simple ownership, meaning that Indigenous lands held through fee simple are alienable to the crown. At its core, the fundamental arbiter of fee simple property tenure is the Canadian state—whose own property law is at stake in any fee simple property transaction (Manuel, 2010.)

These arguments aside, Flanagan’s newly revamped framing of property rights quickly gained traction in the media, and with the Harper administration. While Flanagan had a role at the helm producing this discourse, mainstream Canadian media picked up the story and vigorously distributed it throughout the public purview (Pasternak, 2015). Weeks after the book’s release, the Canadian Press announced that proposed legislation to privatize reserve lands was gaining traction across the country, and that government was cottoning on by funding a feasibility study and policy conference (Gutstein, 2014). In 2006, the federally managed First Nations Tax Commission —headed up by Manny Jules—launched a new project to advocate for private property on reserves, the First Nations Property Ownership Initiative (Fabris, 2016), with financial and administrative support from then-titled Aboriginal Affairs and Northern Development Canada. It developed federal legislation to advance its goal: the *First Nations Property Ownership Act* (FNPOA). This legislation was picked up and championed by the Harper government, who wrote it into their 2012 Economic Action Plan, suggesting that the plan “announces the Government’s intent to explore with interested First Nations’ options to pursue private property on reserves” (Government of Canada, 2012), and the Conservatives’ 2015 election platform promised that a win for the party would mean that the initiative would be pursued (Gutstein, 2014).

The FNPOA is distinguished from its earlier predecessor, the First Nations Lands Management Act (FNLMA), enacted in 1999 (“First Nations Land Management Act,” 2011): in contrast to the Indian Act, both the FNLMA and the FNPOA are optional pieces of legislation that First Nations can choose to participate in or not. This optional framing inculcates values of free choice and

decentralization upheld as a core value by the Harvard Project on Aboriginal Economic Development. A key difference between the two, however, is that under the FNLMA, nations are unable to use land as security for mortgages and loans (FNLMA leases can help to secure mortgages) but under the FNPOA, any form of land can be used as security to access equity and capital, fundamentally opening up reserve lands to the market economy (Woodward and Co, 2010).

Pasternak (2015) notes that the coalition of interests advocating for the FNPOA reflected a network of right wing think tanks, bureaucrats from the Department of Indian Affairs, elected officials and First Nations individuals and industries. A conference on the initiative was held in Vancouver, funded by groups such as the Donner Foundation (itself a funder for many far-right think tanks) INAC, and the federally funded First Nations Tax Commission. (Pasternak, 2015). The objectives behind this project are distinct for each of the actors involved. Industry and their capital financiers stand to benefit from securitized access to Indigenous lands, while governments benefit not only from the GDP boost available from the dispossession of Indigenous lands, but also the lessened pressure on its monies as Indigenous peoples are responsabilized to pay for their own infrastructure and services.

But despite its networked support, the FNPOA never came into force. For one thing, the political moment was inopportune: The Harper government's Bill C-45 and its implicit attack on environmental oversight over waterways, and the sovereignty of Indigenous reserve lands was met by a hunger strike led by Chief Theresa Spence, which itself sparked a national movement

of Indigenous resistance—Idle No More. These mobilizations only added volume to the already sustained resistance to the FNPOA and reserve privatization in general coming from Indigenous leadership, communities and individuals. “It is very clear that, by and large, the majority of First Nations do not support the move toward private property,” noted AFN National Chief Atleo in response to then-Finance Minister Jim Flaherty’s inclusion of the private property initiative in the federal budget (Atleo in Narine, 2012). In 2010, the Assembly of First Nations passed a resolution to reject the proposed FNPOA altogether (Narine, 2012).

While the FNPOA could be viewed as a failed attempt by a diverse coalition of interests to shape the terrain of Indigenous-state policy in Canada, it nonetheless offers a telling example of the ways that think-tank authors (in this case, Tom Flanagan) enjoy substantial latitude to shape political discourses that embed deeply-rooted ideologies about the relationship between culture and capital in Indigenous communities. In this case, this ideological frame could find resonance in an explicit policy apparatus through the FNPOA, one which transformed the discourse around private property regimes on reserves from one couched in assimilation to one of rights and rights recognition, illustrating the generative interface between think tanks and governing bodies as they work to achieve common goals. As he accessed government buy-in for his ideas, Flanagan could champion legislation that provided structural supports for a shifting dispossession regime, inserting particular articulations of Indigeneity and the relationships to land which inform them into normative state-policy discourses.³

³ A more substantial commentary on articulation theory and Indigeneity follows in chapter three and five.

It also offers a potent example of one of the key characteristics of the dispossession regime now coming into focus—one that describes a newfound articulation of Indigenous claims to self-determination and nationhood along lines of capital accumulation. Of note, FNPOA failed: elements of its failure can help us to recognize the ways that the regime is shape-shifting to accommodate its previous missteps and sticking points. As I will go on to explain in chapter five, its failure to integrate the policy frame of decentralization driven by Harvard may have contributed the FNPOA's eventual downfall. The materials emerging from the think tanks that are the focus of this thesis, I suggest, have taken this lesson to heart. Suggesting that while the full implications Harvard's research may have been slow to germinate in Canadian Indigenous-state policy, they may be finding their ascendance in the current policy landscape.

The evolution of policy discourse articulated in this chapter shows that when industry-funded think tanks participate in policy discussions around Indigenous issues, they have a well-developed discourse on aboriginal economic development to draw from—one that has long-connected the state's responsibility to reconcile its relationships with Indigenous peoples to a developmentalist programme based on a particular variant of capital accumulation. However, as the dispossession regime becomes increasingly deft at articulating neoliberal capitalist subjectivity through strategic lenses of Indigeneity, new materials emerging from these institutions—and the state-Indigenous policy documents released alongside them—illustrate the evolutionary process of dispossession as it responds to shifting terrains of resistance and legal norms. Altamirano-Jimenez (2014) and Schnoor (2017) help to articulate this

transformation as they highlight the ways in which self-determination and nationhood are being appropriated by capital interests along the lines of neoliberal entrepreneurialism. While the preceding analysis helps to illustrate the ways that capital has long-permeated state-Indigenous policy development throughout the current era of recognition politics, contemporary discourses emerging from industry-funded think tanks in this study help to illustrate the blurred lines between the state and the ambiguously classified political space called “civil society”. As discourses forged and systematized by think tanks make their way into the recent developments on state-Indigenous policy flowing from the federal government, the relative porousness of these sites of policy-development implicate industry—and the industry-funded think tanks they patronize—as prime actors in the ever-changing dispossession regime.

Chapter 3: Painting in the background: articulating Canada's past, present and future through the lens of industry-funded think tanks

The previous chapter highlighted key initiatives in Aboriginal economic development's imbrication with Canadian state-Indigenous policy from the 1980's onward, and its growing association with discourses around Indigenous self-determination. This chapter, on the other hand, is concerned with the current face of the policy landscape as-indicated by the industry-funded think tanks that are the focus of this thesis. Here, the political context of the previous chapter is being digested and filtered through the emerging political, economic and legal realities taking place during the period of analysis (2013-2018).⁴

As diverse institutions with accordingly distinct histories, networks, audiences and funding relationships, the think tanks are not monolithic in their articulation of the issues at hand, nor are the policy configurations required to address them (see *Table 1* below for a typography of some key distinctions and characteristics of the think tanks). Their convergence around guiding ontologies of Indigeneity, colonialism and the overarching policy agendas to accommodate them, however, indicate that as the think tanks mobilize diverse tactics and dissemination strategies targeted throughout the Canadian political terrain, the underlying frames that bring

⁴ See the introduction for a brief overview of some of the political, legal and economic contexts characterizing this period.

their policy proposals into overall alignment are strengthened by the diversity of their interlocutors.

Think tank	Funding sources ⁵	Policy emphasis ⁶	Ideological position
Fraser Institute	Fraser does not disclose its funding: External sources have identified funders including Koch Brothers, Exxon Mobil, Rothman’s, and Phillip Morris	Interpreting jurisprudence and policy: duty to consult, Indigenous rights and title. Indicators of "success" for First Nations Government spending on First Nations	Hard-right/conservative
Macdonald-Laurier Institute	Teck Resources, Canadian Gas Association, Charles Koch Foundation, First Nations LNG Alliance, The Mining Association of Canada	Interpreting jurisprudence and policy: duty to consult, UNDRIP and FPIC Indigenous participation in natural resource development, particularly oil and gas	Hard-right/conservative
Conference Board of Canada	BC Hydro, Canadian Association of Petroleum Producers, CIBC, Enbridge, Imperial Oil, The Royal Bank of Canada, Suncor, Union Gas Limited	Fiscal mechanisms for Indigenous participation in Canada's resource economy. Corporate-Indigenous relations	Centre-right/ liberal
Institute on Governance	Canadian Association of Petroleum Producers, Canadian Mining Association, Des Nedhe Development, First Nations Financial Management Board, RBC	Capacity building for First Nations Shifting federal jurisdiction and "nation-building" Federal fiscal policy	Centre/ liberal

Table 1: *Typography of the four think tanks*

⁵ Note that “funding” includes regular donors and event sponsors, and does not suggest an exhaustive list of funders.

⁶ “Policy emphasis” reflects a curated listing of the author’s perceptions from analysis of the white papers examined in this thesis. This is not an exhaustive list of policy agendas taken up by each of the think tanks.

In what follows, I will take up the materials of each of the think tanks in unison, organizing their commonalities within three key policy frames, which, as I will argue for the remainder of this thesis, characterize critical features of the current dispossession regime: the **capitalization of Indigeneity, responsabilization and the decentralized policy agenda**. Beneath these broad themes, divergences between the groups come into view. These distinctions should not be discounted as incidental due to their ultimate coherence within the above-stated key features, however. Rather, they can be read as powerful indicators of the ways in which shared notions about capital's relationship to the state, industry and Indigenous peoples in the reconciliatory project are filtered through diverse policy discourses prepared in the interest of "landing" effectively in respect to the specific audience being targeted. Our ability to identify this discourse at a site of intervention in real-time is strengthened by this process of identifying sameness and difference in tandem.

As the following analysis will explain, each of the think tanks analyzed here is caught up in a process of narrative construction which informs specific visions of what "Canada" is and could be. This storyline tells us about their perceptions of the Canadian state and of the substance of the colonial process itself. With the stakes of colonialism thus defined, the groups' assertions about the project of reconciliation and the actions required to address it provide windows into their own project of world-making. This world-making project is inherently shaped by key assumptions about Indigeneity, the state, the economy and the subject that each address.

Why Reconcile?

Before I investigate these assumptions, however, I want to step back in the effort of preparing the ground for analysis: here, I suggest that the “why” animating the groups’ choice to participate in the state-Indigenous policy development arena provides helpful context for our attempts to understand what is at stake in the reconciliatory project itself.

Throughout the groups’ materials, the Canadian state’s current relationship with Indigenous peoples is problematized in relation to national identity—the discordance inherent in this relationship leads to a sense of incompleteness and hence weakness on behalf of the core state apparatus. The think tanks frequently draw on contrasts between the benefits of the “strong” state as opposed to the economic drawbacks inherent in what they deem as a loss of national identity that the continued failure of the Canadian state to “reconcile” with Indigenous peoples could mean.⁷ The “completion” of Canadian nationhood is therefore tied directly to its ability to reconcile a colonial past. Citing RCAP, the IOG writes that:

⁷ It is worth mentioning at this point that I have chosen to use the term “reconciliation” throughout the thesis as term to reference the project by which the think tanks seek to amend the relationship between Indigenous peoples and the state and/or industry. While some might assume that “decolonization” could provide a suitable stand-in, my decision to forgo its inclusion is intentional. For one thing, while decolonization is referenced three times across all the groups (once by MLI, and twice by IOG) while “reconciliation” reference count is tallied in the hundreds. More importantly, though, this section will explain that in the eyes of the think tanks here, the groups’ virtual exclusion of the term “decolonization” is indicative of their limited articulation of the colonial process as one largely carried out in the past, or is already on the way out the door (ie. Through residential schools and the Indian Act), and whose necessary remediation is largely encapsulated by the redistribution of capital.

our relationship with Indigenous nations is a fundamental aspect of our past, present and future, and therefore a necessary part of our identity. It is incumbent on Canada and First Nations to complete the story of our coexistence (Nickerson, 2017a, p.3).

While the IOG limits their articulation of Canada's "completion" to the somewhat vague reference of a national "identity", the MLI is more explicit about the link between reconciliation and the maintenance of the strong state through a strong economy—an endeavor that is indivisible, they suggest, from Canada's ability to expand its resource sector. Hence, MLI's Coates and Crowley (2013) suggest:

Canada is an incomplete nation, scarred by the poverty and marginalization of Indigenous peoples and communities. Canada needs properly managed resource development to prosper as a nation. (p.22)

This formulation articulates the imperative for state-Indigenous reconciliation as a nationalist project above one based in the ethical imperative to decolonize. Despite their divergence, both groups warn that the state's reconciliation with Indigenous peoples—broadly defined— is required to sustain the coherence and thus the functioning of the nation-state, and they similarly work to convey the urgency of the task at hand. The IOG couches this urgency in the character of the current political milieu, suggesting that the current Liberal government may offer more substantive Indigenous rights accommodations than another government which may succeed it, drawing on the demise of Paul Martin's Kelowna Accord in the wake of a change of leadership from the Liberal to the Conservative Party as an example of the

deleterious impacts of transitory election cycles. This political context means that the time to act is now, they suggest:

At this juncture the Prime Minister and Cabinet are highly engaged and there is an opportunity to make lasting change. Many Indigenous leaders believe that this “window of change” is slowly closing and, therefore, time is of the essence on the part of Indigenous leaders to work with the processes and structures unfolding at the federal level. (Nickerson, 2017f, p.4).

Others suggest that the imperative to act now hinges on the political landscape of Indigenous communities. Both the MLI and the Fraser add that an increasingly polarized division exists between Indigenous peoples who want a share of the resource rents accruing from their territories and those who want to “shut the country down economically”. Coates and Crowley (2013), writing for the MLI, articulate the Idle No More movement as an embodiment of this dichotomy:

The peaceful Idle No More movement has a more assertive counterpart, shown in the threats of boycotts, high-profile protests, and inflamed rhetoric about the ability and determination of Indigenous Canadians to shut the country down economically if their legal, constitutional, treaty, and Aboriginal rights are not fully recognized. (p.22)

While left implicit in their writing, the MLI suggests that the difference between these two contingents is one of self-awareness. While more radical currents of Indigenous resistance move to assert rights, they note, these grievances are wholly encapsulated by an imbalance of capital distribution. As the subsequent section will explain, this profound reduction of Indigenous claims to self-determination to a purely economic register is made possible by a series of ontological assumptions about the nature of the Canadian state, and hence of colonialism itself. From this vantage point, Indigenous anger is conflated with a lack of liberal values such as tolerance, autonomy and “sound” governance. MLI’s Coates and Crowley (2013) present the spectre of what might happen should the “radical contingent” take hold:

At present, therefore, the country faces the prospect of hundreds of billions of dollars of investment in the resource sector being held up by Aboriginal protests, with Indigenous demands buttressed by a long string of court victories that legally reinforce the assertion that mines and other natural resource developments cannot proceed without proper consultation and accommodation. (p.6).

Throughout the preceding quotations, the consequences of the failure to act is indicative of the curative policy fix that each of the groups put forth: if the stakes of inaction on “reconciliation” are tantamount to economic devastation and foregone resource revenue, the outcome of effective action should be the opposite: successful reconciliation is imperative to capital accumulation, the groups suggest. The IOG relays a similar message in a way that decenters the reference to conflict upheld by the MLI (i.e. protests and their potential to incur lost revenue),

instead framing “economic growth” more broadly in the context of Indigenous self-determination and recognition:

The federal government has committed to pursuing and Nation-to-Nation relationship based on recognition, rights, respect, co-operation and partnership with Indigenous peoples in Canada, acknowledging this as both the right thing to do and a path to economic growth. (Nickerson, 2017b, p.3).

Despite the two groups’ stark divergence in tone, the convergence of meaning in these excerpts is indicative of the ways in which the groups utilize diverse discourses to achieve common ends. The latter passage—the first sentence in a header for the IOG’s “Nation-to-Nation” workshop series, crystallize the frame oft repeated amongst all the think tanks in this study: Canada’s reconciliation with Indigenous peoples imbues a dual benefit to Canadian society, where the ethical imperative of reconciliation pairs seamlessly with “economic growth”. Offering logical coherence to this structuration, the roots of colonialism and the project of reconciliation required to meet it, must be similarly shaped in terms of capital.

What is colonialism, anyway?

Each of the groups analyzed paints a different picture of the Canadian state’s strengths and its weaknesses both past and present. Drawing on a selective articulation of political moments and policies, they create an image of the Canadian state cast in relief to its colonial past. For the IOG, the “colonial culprits” fall on two pieces of policy, suggesting that

It is apparent that the two colonial culprits – the Indian Act and Residential Schools – have had devastating impacts on Indigenous people. Hence another key starting point for the discussion of nation-to-nation relationships is the need to close the social and economic gaps of Indigenous communities with support from Canada. (Nickerson, 2017b, p.9)

By positioning the Indian Act and the residential school system as causal policies of colonialism itself, IOG constructs a Canada where the main fulcrums of colonial relations are already being addressed and ameliorated by federal and provincial governments. With the last residential school having closed its doors in 1996 and the Truth and Reconciliation Commission initiative in effect as a means of addressing the resultant traumas, one colonial culprit has been "dealt with" while the other, the Indian Act, sits squarely on the chopping block of federal government policy reform. Thus IOG's identification of the two major Indigenous-state policy agendas as the "colonial culprits" threatens to apply a causal lens to the policies themselves, squarely positioning the current state of Canadian sovereignty within an assumed postcolonial present.⁸

Further distancing the colonial state relation from the present-day, MLI's Coates and Crowley (2013) suggest that modern-day inequities between Indigenous peoples and other Canadians are not a product of still-persistent colonialism itself, but of geographic distance and media coverage:

⁸ See page 25 for current examples illustrating the fiction of the notion of a postcolonial Canadian state.

In the distant past, Aboriginal people had a very limited national profile. Physically separated from the Canadian mainstream in remote regions and isolated reserves, Indigenous issues rarely made it into the national media. Canadians interpreted the Aboriginal silence as acceptance and assumed that the fact that few Indigenous peoples spoke up indicated a general level of comfort with government policy and their experience with non-Aboriginal people. (p.10)

Although IOG avoids such blatant erasures of Canada's colonial reality as merely accidents, it joins MLI and Fraser in its emphasis that Indigenous-state policy development should move beyond the colonial "past" by cultivating a "modern relationship" between the state, industry and Indigenous peoples grounded in new opportunities for economic development. As such, an appropriate response on behalf of the state does not necessarily entail a redistribution of jurisdiction to atone for its past offenses. In chapter 5, I will discuss how Foucault (2004) foreshadowed this governing rationality in which government's actions are valued according to their utility to achieve a set of predetermined aims—in this case, economic development—rather than their ability to accurately accommodate and recognize the rights of its citizens. If colonization is a thing of the past (save the remaining project of the evisceration of the Indian Act), the "key starting point" to move forward requires "closing the economic and social gaps" between Indigenous and non-Indigenous communities through the actions of those in their audience (largely government and industry actors).

Indeed, Flanagan, writing for Fraser, makes this logic starkly clear:

Emphasis on promoting economic advancement has produced far more progress than attempts to redress past wrongs, even when historic wrongs have been obvious, massive, and indisputable. (Flanagan, 2018, p.25).

This “gap” between settler Canadians and Indigenous peoples is frequently couched in economic terms.⁹ Measures of wealth inequality are frequently referenced as a means of indicating the imperative to take action to “close the gap.” The MLI’s Coates and Crowley (2013) suggest that these indicators of disparity point to Indigenous peoples’ exclusion from the resource boom that has benefitted settler citizens.¹⁰ From this perspective, Canada’s colonial past is legible through an imbalanced deposition of the benefits of resource extraction.

With few examples of constructive relationships between the resource developments and the Indigenous populations and with very little say over the pace and shape of the commercial activity, at best Aboriginal people viewed resource projects as economically irrelevant and more commonly, as a serious threat to their cultural and social existence.

(Coates and Crowley, 2013, p.11)

⁹ The MLI and the IOG also cite education statistics as an indicator of the disparity between Indigenous and non-Indigenous peoples.

¹⁰ Here, MLI’s homogenized articulation of settler subjects as the unquestioned benefactors of resource development erases the fact that settlers are also privy to the unequal distribution of benefits and the implicit harms of such development.

As it traces a causal path between Indigenous poverty and the historical imbalance between the revenues of resource development, the MLI creates discursive room to position industry partnerships with Indigenous peoples as central to the project of reconciliation. IOG follows suit casting it as “a significant and expanding market opportunity” (Nickerson, 2017a, p.3). The logic continues from here: if colonialism is solely a product of excessive government intervention and a deficiency in First Nations’ capacity to generate capital, the process of self-determination must be framed as the opposite. This conceit produces an articulation of Indigeneity, and thus Indigenous culture, that is inherently amenable to a particular relationship to capital.

As I will go on to explain, these articulations are facilitated by discursive strategies that cast colonialism in the past-tense, freeing up a strategic discursive terrain where capital accumulation is tantamount to post-colonialism. The subsequent policy recommendations and strategies put forth by each of the groups are facilitated by and contingent on this framing

Capitalizing Indigeneity:

Before I begin to unpack the ways in which this articulation of Indigeneity takes place, I want to make my usage of both terms clear: Indigeneity is a complex concept that is both dynamic and embedded in a diverse political field of actors and various interests, or, as Altamirano-Jimenez (2013) puts it, “a dynamic field of governance constituted by different actors on different scales producing knowledge, articulating discourses, exercising power, constructing and contesting identity, engaging in place-based struggles and claiming ways of being in the world” (p.17).

Altamirano-Jimenez draws on articulation theory as a means of unpacking the tensions and

contradictions inherent in Indigeneity's ongoing production within contexts of diverse political, spatial and economic locations: "Articulation means that discourses and practices are shaped by place, economic structures, networks, and other interests that condition their possibilities" she stresses (p.18). Indeed, the think tanks in this study draw from their own political, spatial and networked positions as they convey their own articulations of Indigeneity, and these articulations offer a running baseline beneath the policy proposals they put forward.

By rendering Indigenous claims exclusively through the lens of economic disparity, the MLI suggests that Indigenous rights resistance is wholly encapsulated by a demand for a greater share of resource revenue taken from Indigenous territories, inherently producing an articulation of Indigeneity and Indigenous culture which seamlessly merges with capitalist economic relations. In its somewhat extensive commentary on the Idle No More movement from 2013, MLI crystallized this articulation by suggesting:

The battle over treaties, self- government, Aboriginal rights, and government support for Indigenous peoples is, for most Aboriginal Canadians, really a pursuit of the tools and authority necessary to participate in national prosperity. (Coates and Crowley, 2013, p.20)

Given its more moderate position on the spectrum of think tanks in this study, it is doubtful that the IOG would adopt such an explicitly capitalized articulation of Indigenous rights resistance. However, the section to follow suggests that whether made explicit or not, the more

moderate groups such as IOG and CBoC backpack these notions into their policy proposals in ways that similarly articulate Indigeneity and Indigenous self-determination through the lens of capital. This suggests that their moderate political discourses in contrast to the Fraser and the MLI might be read less as a signal of ideological distinction from the other groups, and more as a strategic discursive strategy tailored to the audience they wish to cater to. By reducing Indigenous claims to self-determination to the pursuit of capital, the think tanks also cast aspersions on that which Indigeneity and Indigenous culture does and does not include. It assumes, for example, that the capitalist relation is amenable to Indigeneity, and the relationship to land it entails.

Locating land in reconciliation:

Perhaps the most notable commonality amongst the groups is the relative scarcity of the concept of discussions of *land* amongst all policy materials. For the MLI and the Fraser, land redistribution is never referenced, and for the Fraser, redistribution is only referenced in the pejorative: “Enlargement of the First Nation’s land base does not in itself lead to improvement of the CWB.” Flanagan (2016, p.14) suggests. CWB references the Community Wellbeing score—a quantitative scale measure used by the Fraser to determine a community’s quantitative measure of “wellbeing” (Flanagan, 2016).¹¹ The MLI, Fraser and CBoC frequently frame land as a tool of capital generation: “Indigenous communities deserve to benefit from resource projects occurring on their traditional lands” Pendakaur and Fiser (2016, p.34) from

¹¹ The CWB is an index carried out by Indigenous and Northern Affairs Canada using census data (it was last taken in 2011). It uses a number of indicators to determine its rankings—many of them contingent on economic indicators and education statistics (Flanagan, 2016).

the CBoC suggest.

The IOG is unique amongst the think tanks in its willingness to topically address land jurisdiction. They are the only group to reference the fiction of terra nullius and the dispossession it justified. Here, for example, Nickerson (2017d) states that “Consultation also remains an ongoing issue, as Canada continues to view the north as a resource basket for its own use and access and continues to operate with terra nullius assumptions.” (p.12).

Meanwhile, discourses on policies around land jurisdiction for the present day receive minimal attention amongst IOG’s policy materials. When IOG does reference land, it is couched in the imperative to generate capital through land claims and resource revenue sharing agreements with the state (to be discussed later in this chapter).

Committing to a nation-to-nation relationship involves rapidly increasing the fair settlement of First Nation land claims and resource revenue sharing agreements. RCAP recommended increasing Indigenous peoples’ land base as central to creating wealth, that can further social outcomes for communities. (Nickerson, 2017a, p.24)

In a sense, land’s absence from the policy materials—or otherwise its articulation largely through the lens of capital—is suggestive of the ways in which state-Indigenous policy can be discussed at length absent any substantial conversation about Indigenous jurisdiction over land. As I will go on to discuss, this erasure is one of the key features of the dispossession regime at work. The remainder of this chapter will detail that which is discussed in land’s absence as a means of investigating the ways in which the dispossession regime is transforming to address changing political terrain.

The preceding analysis unpacked the conceptual ground that inform the think tanks' policy recommendations. It suggested that by situating the two "colonial culprits" as measures of excessive state intervention which have already occurred or are being currently retracted, the remaining work of reconciliation is dominated by attempts to build greater financial equality between settler Canadians and Indigenous peoples. This curative solution assumes a transferability between Indigenous claims to self-determination and the development of capital. Absent from this articulation is the question of land and land jurisdiction which, as chapter 5 will explain, is essential to many Indigenous peoples' assertions of substantive recognition. With the underpinnings of the "colonial problem"—as understood by the think tanks—now laid out, I will explore their policy proposals put forward to address it. In so doing, I suggest that the strategies of reconciliation they proffer, as well as those they reject, are germane to our understanding of the current dispossession regime.

Away from litigation

The MLI, Fraser and IOG unanimously oppose the pursuit of Indigenous rights through litigation. However, among the groups the rationale provided for this commonly held position is diverse: The IOG and MLI problematize the fact that litigation itself is costly in both money and time, frequently citing the 30-yearlong *Tsilhqot'in v. British Columbia* case as a prime example. MLI adds that Indigenous peoples may stand to lose rights as a product of engaging in the court process rather than gaining them. The courts have been stretched to their limit in awarding

new rights and title, they suggest, and Indigenous communities aiming for more substantial rights will likely end up disappointed.

While Fraser critiques the “environment of uncertainty” created through Supreme Court rulings on Indigenous title, it also takes issue with the legal path to reconciliation through Indigenous rights from an ideological perspective. It argues that the collective rights granted through Indigenous title mean that “voluntary transactions”—the private sale of resource rent or lands containing resources—are made more difficult “by multiplying the number of owners, and laying down opaque and unpredictable rules for making decisions about lands that are subject to claims of aboriginal title” (Flanagan, 2015, p. iii). The complexity of collective ownership inherent in Indigenous title threatens resource development, and hence the backbone of the Canadian economy, they suggest.

The MLI, Fraser and IOG suggest that for Indigenous peoples, legal gains already made through the courts should be not be read as incentives to pursue further legal avenues, but instead as a symbolic means for bargaining better agreements with industry proponents. MLI articulates this distinction by suggesting that while the legal rights bestowed by recent court decisions on Indigenous title are less substantive than widely believed (recall their constrained interpretation of Indigenous rights away from the veto), there are "practical rights" which flow from these decisions in the form of power to negotiate better agreements and partnerships with government and proponents. The IOG’s Nickerson suggests that this implication is embedded in the court decisions themselves:

The courts have been very aggressive in establishing the right and duty of consultation. This tendency is a manifestation of the message the courts have been setting out over the last 30 odd years: these matters need to be dealt with via negotiation, not litigation

(Nickerson, 2013, p. 16)

In the absence of rights resistance through the court system, the think tanks collectively call for an alternative strategy: *engagement*.¹² They suggest that reconciliation should not be pursued through codified statements on Indigenous rights articulated by the courts, but through case-by-case negotiations. The remainder of this analysis will unpack the content of this agenda as a critical and far-reaching discourse of the new dispossession regime.

Improve clarity, but not too much

All groups included in the study express a shared sentiment of frustration with the lack of clarity flowing from the divide between the Trudeau government's public statements surrounding forthcoming policies on reconciliation, Trudeau's "unconditional" acceptance of UNDRIP, and current legislation on the duty to consult Indigenous peoples. This divide, they suggest, leads to an increase in litigation as Indigenous peoples strive for the most expensive readings of commitments and legal decisions which the government has tentatively claimed to support. The notion of Free, Prior and Informed Consent (FPIC), recently brought into public purview

¹² A variety of discursive tools are frequently used to describe this policy agenda, including "engagement", "participation", "co-production" and "decentralization".

through its emphasis in section 19 of UNDRIP, is of particular concern to MLI and Fraser, who suggest that Canada's willingness to adopt UNDRIP indicates a new terrain of uncertainty surrounding the implications of FPIC, particularly in the context of resource extraction. MLI and the Fraser are steadfastly against the notion that UNDRIP's implementation means a "veto" against development. Given the precarity of global financial markets, they suggest, a "veto" would destroy Canada's resource industry (Coates and Favel, 2016). Indeed, here they speak on behalf of the resource sector regarding the full interpretation of FPIC:

If the Harper government was opposed to FPIC, the resource sector was quietly dismayed about its possible implications for the project approval process.

(Coates and Favel, 2016, p.17)

When it comes to the issue of clarity on state-Indigenous policy, the groups adopt similar strategies, with the Fraser, MLI and IOG all calling on the state to issue a more definitive position on its intentions regarding what they deem to be still-unclear policy positions.

Falling under the first category, the IOG calls on the government to adopt a more "politically sustainable" position in the context of its relationship with Indigenous peoples. Problematizing the incongruence between the Crown's legal position on Indigenous rights and what they deem to be a lack of follow-through on the government's behalf. To this end, IOG cites Harold Calla at an IOG event noting that "Federal government needs to align its political statements with its

bureaucratic undertakings” adding that this should entail legislative change on behalf of the state” (Calla in Nickerson, 2017b, p.19).

For their part, the MLI and the Fraser take a more conservative stance, suggesting that government should constrain its policy statements to better fall in line with the limited field of actions it appears to be willing to take. The MLI paints a picture of this uncertain legal and policy-based topography from the perspective of the resource industry:

The position that FPIC implies good processes but not total control of decisions by Indigenous communities should be enunciated clearly by governments, without political rhetoric being permitted to contribute to ongoing confusion and inaccurately heightened expectations. (Newman, 2017, p.20)

Meanwhile, the Fraser Institute critiques what it describes as a “patchwork” of various consultation policies throughout the provinces. It suggests that such discrepancies across colonial jurisdictions can result in uncertainty for industry. The provinces, they suggest, should lay out clear timelines for offloading responsibilities for industry as they attempt to carry out their consultation requirements with Indigenous peoples. Similarly, the MLI’s Coates and Favel (2016) call on the governments to define the way they will determine when and how the ‘national interest’ overrides the interests of specific Indigenous community:

What if 22 out of 25 communities support a specific pipeline project? These might be cases in which the government might exercise its override authority. [...] Identifying these parameters for state intervention ahead of time – and without reference to a specific project – would allow for a robust national debate and open and transparent rules for all participants in the development process.” (p. 23-24)

The above configuration is at the heart of the impasse. The groups suggest that such disputes over political override are tantamount to economic fragility for industry and government alike, and that Indigenous rights recognition through the courts in a post-Tsilhqot'in era further threaten the interests of capital. Beyond goading the state towards increased clarity on procedural rights and encouraging the state and Indigenous peoples to abandon the courts as a means of reconciliation, a third policy strategy emerges: one of responsabilization, and a decentralized policy agenda to achieve it.

Reconfiguring the roles of state, industry and subject: responsibilization politics

My task in the remainder of this chapter will be to articulate the ways in which these underpinning assumptions and articulations of Indigeneity (taken up above) course through the policy recommendations put forward by each of the think tanks. At times particular think tanks will feature prominently as my analysis covers their respective policy wheelhouse, and at others they may be largely silent on particular issues. Again, however, a common refrain continues to emanate, suggesting that the think tanks are united in their deployment of economic growth as

a proxy for reconciliation and Indigenous self-determination, as increases in capital accumulation within Indigenous communities are marked as signposts for a post-colonial state relation where the “gaps” between settler Canadians and Indigenous peoples have been successfully bridged. Here, capital accumulation becomes a stand-in for both reconciliation (on the part of the state and industry) and self-determination (on the part of Indigenous peoples).

This logic of capitalization implicates a reconfiguration of the roles of state, industry and Indigenous communities In the following section. I will explain how capitalization as a curative solution to colonialism—explored above—inculcates a field of responsabilization on behalf of its subjects, framing the ways in which these new responsibilities are rationalized and normalized. The triangular relationship between industry, the state and Indigenous peoples that characterizes the think tanks’ articulation of reconciliatory policy suggests that each corner of the triangle is being rearticulated on its own but primarily in relationship to its neighbors. Hence despite my attempt to identify transformations in each role sequentially, it should be noted that transformations in one necessarily implicate the others.

Finally, this reconfiguration of roles and the responsabilization it invokes is propelled and facilitated by a third policy frame that further unites the think tanks’ recommendations under a coherent narrative: *decentralization*. As this thesis will go on to explain, each of these policy frames—*capitalization*, *responsibilization* and *decentralization*—are contingent on and co-produced by the other, and hence in a similar vein to the transformed roles of state, industry

and Indigenous peoples, our understanding of the policy frame trifecta must be understood as similarly interdependent.

"Decentralized" or devolved policymaking

"Decentralized" policy, according to the groups, carries a double meaning: the first conveys the concept of devolution—meaning that whereas the federal government has held considerable power over Indigenous affairs in the past, a new agenda should pass the responsibility for negotiation and reconciliation on to "lower" governments (provinces and municipalities) and a network of Indigenous development institutions. In its other imbrication, "decentralization" signifies a departure from codified laws. It deals in diffuse, flexible policy that is negotiated on a case-by-case basis between the "stakeholders" (again—often referenced as a trifecta of industry, governments and Indigenous leadership, loosely defined).

For example, when decentralization emerges through the MLI's policy discourse, it is referenced as a preferential approach to FPIC than the specter of the "veto". A "Made in Canada Approach" to FPIC, MLI's Dwight Newman (2017) suggests,

will take place in a decentralized way, internationally and subnationally. It will involve national and subnational public governments as well as Indigenous authorities and governments. Internationally, different countries will find different paths to FPIC implementation, with Canada finding its own path. (p. 18)

Here the MLI references decentralization in its requirement to devolve powers to other forms of government, while attempting to subvert the legal implications of the Declaration by suggesting that it should be “made in Canada” and thus translated from the international to the national. Decentralization also appears here in the second sense, as Newman suggests that “Made in Canada FPIC” also requires all “stakeholders” to “remove barriers to Indigenous communities’ success” (p. 2), meaning that governments should work with Indigenous peoples and industry to “co-produce” policy together. Harkening back to the issue of the veto—MLI makes the case that by redistributing resource benefits and entering negotiations with industry proponents, Indigenous peoples’ widespread support for resource development projects in their territories will mean that the issue of the veto will rarely, if ever arise.

Under the IOG’s articulation, a decentralized policy agenda benefits from its ability to be responsive to the diverse needs of Indigenous communities. IOG’s Nickerson frames this approach as a means of evading the top-down, unilateral efforts to shape policy from a central state apparatus which manifested through the Indian Act and the White Paper:

This process must start by recognizing the diversity amongst and within Indigenous nations and communities across the country. While a more unified approach would provide greater administrative ease to Canada, this is not the reality of the Indigenous nations that existed prior to contact, nor those that continue to exist today (Nickerson, 2017a, p.28).

But decentralization is also positioned as a policy agenda that is good for business. Here, this justification emanates from the discourses of industry CEOs such as Stephen Crozier of IAMGOLD, a gold mining company operating in Quebec and Ontario and a presenter at a conference put on by the CBoC:

Mr. Crozier's view is that the B.C. government's local host approach, which relies on a broad policy commitment to reconciliation accompanied by more precise contractual instruments for implementation, can be more flexible and agile compared to agreements that develop out of treaty-making processes. (Pendakaur and Fiser, 2017 p.5)

Here, the treaty making process is cast as a discrete, legally codified agreement that sets the terms of relationship and shared jurisdiction between the core state apparatus and the Indigenous nation in question. Like the CBoC, the MLI suggests that this "case by case" approach to rights recognition is ideal: *"The tough work of implementing UNDRIP generally, or FPIC specifically, may require long discussions at a relatively decentralized level"* (Newman, 2017, p.1).

Both devolution and decentralization equate as policy mechanisms which reframe and recast the roles of state, industry and subject in the reconciliatory project. As this thesis will go on to explain, these transformations are informed by one of neoliberalism's most powerful reconfigurations of subjectivity, namely, that of responsabilization. In what follows, I will take up these changing roles under the decentralized policy frame described above.

The role of the state: the broker of free choice

It is important to note that a decentralized policy landscape does not abolish the federal state's role altogether. Instead, this role is being reconfigured away from top-down policy making and government interventionism towards its new position as the broker of "free choice" through a host of incentivized policy mechanisms and negotiation-based agreements. As the following chapter will stress, the groups' recommendations on this transformation are particularly relevant in the context of the federal government's Implementation and Recognition of Rights Framework—to be explored in the next chapter— which paves a path to a new self-governance regime. Again, while the groups draw on diverse discursive strategies to outline their preferences at this juncture, common threads are readily discernible.

For example, the IOG is adamant that governments must provide autonomy for Indigenous nations to *"lead their own governance renewal and nation building processes"* while *"Canada can provide funding support to help build and sustain self-government capacity"* (Nickerson, 2017b, p27). Here, the question of governance becomes one of incentivization—Nickerson (2017b) adds that a critical question for policy makers is:

How do we incent participation and engagement on optional policies? (eg. investment capacity, additions to reserve, expedited land claims?) (p.34)

For his part, Fraser's Flanagan is more explicit about his preference for a shrinking role for state intervention:

It is striking that the measurable progress achieved by First Nations is not a result of government programs. It comes from self-determination: taking control of their own affairs and making the most out of their assets. The most effective government intervention has been legislation to remove roadblocks and create opportunities that First Nations can exploit under their own initiative. (Flanagan, 2016, p.ii)

While they use different narrative strategies, the policy effects of Flanagan’s blunted free market discourse are matched with those flowing from the IOG’s more moderate tone: both call for an incentivized policy landscape that removes emphasis on government intervention in favour of what they describe as Indigenous self-determination. However, as the following passages will go on to explain, notions of “autonomy” in these policy contexts suggest that the state’s potential recognition is preconditioned on normative notions of "capable" governance, that embed a host of assumptions about culture, economy and the land.

Self-government

Another policy discourse emphasizing the state’s shifting jurisdictional role and the decentralization this transformation requires is complex and overarching discussion around Indigenous self-government. The CBoC is completely absent on this discourse, and it receives marginal uptake by the MLI and Fraser. For the IOG, however, self-government and the policy tools required to achieve it are cornerstones of its policy focus. IOG’s Nickerson (2017a) cites

RCAP's insistence that reconciliation would be ultimately fulfilled by the achievement of Indigenous self-government, suggesting that:

If reconciliation was the overarching theme of the RCAP report, nation building, with self-government as the ultimate expression of nationhood, was the most important activity the Commissioners saw to achieving this end. (p.26)

Nickerson goes on to adopt and champion RCAP's recommendation as the best path forward, noting that: *“Beyond reconciliation, empowerment of Indigenous nations with the capacity for self- government was and remains a significant feature of creating a modern, renewed relationship”* (Nickerson, 2017b, p.3) Ultimately, Indigenous self-government will lead to the betterment of Canada's national identity, she suggests:

Self-government, or the ability of Aboriginal people to take responsibility for the future of their communities, is what is needed for the well being of First Nations and the well being of the country as a whole. (Nickerson, 2013, p.13)

As it enters into the debate on whether self-government should require constitutional amendment, IOG makes the sustained role of the state as the ultimate arbiter of jurisdiction clear, by emphasizing that self-governing nations will remain subject to authority by the Canadian state:

legitimacy of government requires that people recognize it and that the government has the support of others (in this case the Crown), echoing the National Chiefs' position that the right to self-determination is reconciled with Canada's assumed authority (Nickerson, 2017a, p.16).

Another precondition to state acceptance is the concept of “capacity building”. Besides extolling the importance of self-government and advocating for its place within the colonial state, one of the IOG's focal policy agendas looks at the concept of "capacity building" initiatives that will enable nations to become self-governing. Summarizing a key point of conversation populated largely by public servants at its 2017 Nation-to-Nation Summit, the IOG highlights the following question:

What types of mechanisms will enable greater control over decision-making, and eventually lead to the full realization of Aboriginal self-governance? (Nickerson, 2017a, p.47)

Here, the state is responsabilized to create the conditions of its ability to devolve power to Indigenous Nations through state-recognized self-government agreements. As the following section will go on to explain, these conditions (referred to as a Nation's “capacity”) are infused by the capitalization logic as explained above. Harkening back to the triangular configuration introduced earlier, the state's maneuvering at this juncture in turn creates a new field of responsabilization for Indigenous communities seeking to access these agreements.

Capacity building as a field of responsabilization for Indigenous peoples

The meaning of “capacity” in the context of state-Indigenous policy varies among the different groups analyzed in this study, but across each of them it invokes a discourse of responsabilization for Indigenous communities that predicates jurisdictional authority on a particular form of governance and/or behavior. For the IOG, as referenced above, “capacity building” is a dominant frame referencing the preconditions to state-recognized forms of self-governance, while the MLI articulates the concept under more narrow terms—often discussed in the context of building community capacity to conduct its own monitoring in order to carry out Indigenous-led environmental assessments.

For most First Nations in Canada, “capacity” is an ideal state that has yet to be reached, according to the IOG. In a 2013 report, the IOG cited then-AFN Regional Chief Jody Wilson-Raybould when she suggested that if the federal government provided full recognition of self-government powers to all First Nations “would all of them be ready? Many would not” (Raybould quoted in the Institute on Governance, 2017a, p.16). Under the assumption that capacity building is an unfinished project, the IOG applies a sustained and extensive focus throughout its materials and conference topics towards articulating the nature and process of “good” governance capacity and the institutional, financial and social techniques required to create it:

Critical to the operation of self-government and its “acceptance” by other levels of government is capacity. Achieving self-governance goals depends on capable

administration. While some nations or communities have their administrative houses and good management practices in order, others may have difficulty organizing effective administrations or establishing good management practices. (Nickerson, 2017a, p.16).

In this context, "other levels of government" references the federal and provincial state apparatus. This quote makes evident that self-government powers hinge on a standard of governance or "capable administration" determined acceptable by those bodies—as such this passage suggests the recognition politics which the self-government policy apparatus thinly conceals. As the IOG offers up clues on what recognizable governance might look like, a normative discourse that positions governance capacity as a value-free concept begins to emerge. For example, during one of IOG's national events in 2017, Michael Hudson from the Justice Canada Task Force on Reconciliation noted that

Good governance is a universal value. There are many different ways humanity organizes itself in social and governance structures, but at the root is legitimacy. The Organization for Economic Cooperation and Development says it is the exercise of economic and political authority necessary to manage a nation's affairs. (Hudson quoted in Nickerson, 2017d, p.11)

Here, Hudson hints at the values underpinning the presumed "neutrality" of the concept of capacity. The principles developed by the Harvard Project on American Indian Economic Development figure prominently in this articulation—particularly its oft-cited refrain that "good

governance" requires leadership that "separates business from politics." For example, the IOG's Nickerson (2017a) holds up the Moose Jaw Cree First Nation's governance strategy, claiming that:

Through self-funded community information sessions and referendums held before the signature of major agreement, they have developed governance capacity and good governance processes that are transparent and values-based. The emphasis has been on separating business from politics. (p.25)

The Conference Board also stresses this value of separation, suggesting that Indigenous communities should "work to ensure a level playing field between community-owned businesses and local entrepreneurs" (Westropp and Decoste, 2017, P.61). Writing for the Fraser, Flanagan (2016) is seemingly more willing to be explicit about the imbrication of this "separation" with particular political ideologies. He notes that:

both income growth and workforce participation were positively and significantly related to institutional factors in reservation government. Assembly-style direct democracy, as practiced, for example, on the Crow reservation in Montana, performed the worst; separation-of-powers regimes with a strong executive, i.e., an elected chief, did better; and quasi- parliamentary systems, where the chief was chosen by and accountable to an elected council, did by far the best (p.8)

Throughout each of these statements, the concept of "performance" and "success" is rendered synonymous with capital accumulation. Indeed, a nation's ability to generate capital is yoked to notions of "capable governance". The IOG's Nickerson (2017a) cites these links in no uncertain terms:

It is becoming clear that sound governance is a prerequisite for rapid improvement in the well being of communities and nations. Moreover, it is our view that sound governance is a prerequisite for improving opportunities for wealth creation among Indigenous communities and organizations, and that wealth creation is both a key support to self-determination and a facilitator of economic success for all parties. (p.34)

So it follows that if self-determination is linked to governance capacity, and governance capacity is linked to a particular, growth-based approach to capital generation, a hierarchy between nations deemed "capable" or not can be seamlessly applied. The IOG, for example, suggests that:

All high performing communities have a higher level of management capacity; whereas challenged communities, communities that most need it, do not have a high degree of capacity for management. As a result the wealth gap gets broader and broader. In the absence of substantial investment from the private sector and the capital markets, we will never bridge the gap. (Nickerson, 2017b, p.16).

Again, a particular articulation of Indigeneity is being produced here. One which assumes that a “business” can exist in isolation from “politics”, thus enabling capitalist modes of accumulation to be unproblematically graphed onto a nation’s governance structure. This depoliticization of the economic thus forecloses articulations of Indigeneity that would indicate otherwise. As chapter 5 will go on to unpack, the assumed capitalization of Indigeneity is a key framing device of both the think tanks’ policy agendas, and of the dispossession regime itself.

As it calls on Indigenous peoples to develop capital in order to be deemed “capable”, industry’s role is intensified as its ability to facilitate capital accumulation for communities positions it as an integral actor in the establishment of self-governance. For example, in 2017 the IOG asked:

How can the private sector form relationships with indigenous communities in a manner that supports reconciliation efforts, while providing opportunities to advance the self-governance aspirations of communities? (p.34)

In this context, the notion of "self-determination" is twofold: on one hand, groups are adamant that a nation should "lead" the rebuilding of capacity and nationhood, but that certain principles and values of "good governance" should be accepted as a baseline for a certain type of development. As such, the discursive frame of “capacity” opens up a means of depoliticizing market logic as a universal notion of development, good governance and progress. With this discursive space carved open, industry’s role alongside the state as a facilitator of reconciliation is firmly established.

Reconfiguring the role of industry

Under the think tanks' proposals industry is also subject to a new field of responsabilization that is facilitated through a variety of policy tools and mechanisms. These formal tools are complemented by a diffuse agenda of participation, engagement and partnership which will be introduced here. In particular, the think tanks address corporate actors within the resource development sector. While at times it is made more explicit than others, extractive resource development features prominently in the groups' discourse as a means of gaining self-determination through capital accumulation, and as a means of facilitating reconciliation between settlers and Indigenous peoples. After warning its readers of the economic harms ensuing from "widespread Aboriginal protests", Coates and Crowley (2013) suggest that "steps must be taken to prevent the current level of dissatisfaction, particularly among young people, from boiling over", and that this can be achieved through the resource economy:

The growing Canadian resource economy has the potential to be a primary bridge between Indigenous and non-Indigenous Canadians [...] the rapidly expanding resource sector could and should be transformed from a field of confrontation and disruption of Aboriginal communities into a much-needed middle ground (p. 21).

A variety of fiscal tools and revenue sharing mechanisms exist to structure financial relationships between resource development proponents and Indigenous communities whose lands they are developing. These tools exist on a spectrum from one-time payments at the

outset of development known as one form of Impact Benefit Agreements, to more sustained and extensive agreements to uphold various commitments throughout the project's lifecycle, and sometimes beyond it. While they do differ substantially in terms of substance, they are broadly perceived by all the groups to uphold a similar general intention for Indigenous groups and proponents: a tradeoff where the Indigenous community commits their support for the project in order to secure a host of benefits that might be unavailable otherwise. The Conference Board of Canada clusters these diverse agreements under the term "Major Project Agreement" or MPA. Westropp and Decoste (2017) explain:

for proponents, a common goal of an MPA is for the indigenous group to provide an assurance that it will not oppose project development. In return, the proponent provides the indigenous group with certain commitments and benefits in relation to environmental and cultural protection, employment, procurement opportunities, and other financial benefits such as community payments. (p.7)

It is worth noting that while these agreements existed prior to the new millennium, their novelty lies in the ways in which they are fast-becoming standard practice throughout the corporate community. For example, whereas in 2009 the Federal Framework on Aboriginal Economic Development stated that "Few links exist with the private sector despite its growing interest in Aboriginal partnerships" (Federal Framework on Aboriginal Economic Development, 2009, p.10), eight years later, Westropp and Decoste (2017) from the CBoC claimed that "Today, private agreements to share benefits and encourage indigenous community

participation have become a common feature of resource sector projects across Canada”, adding that

for industry proponents [...] a corporate focus on building and maintaining healthy relationships with indigenous groups will improve the acceptance rates of major project proposals and lead to better project outcomes. (Westropp and Decoste, 2017, p.2)

Among the groups, MLI pays the most attention to the form of agreement known as the Impact Benefit Agreement, or IBA. The MLI further suggests that provinces should implement formal legislation that mandate a “legal standard of consent” automatically flowing from the signing of an IBA, where the “community agrees not to raise issues in or concerning any government consultation.” Adding that “[a] corporation that successfully negotiates such an agreement essentially protects itself against risks that a project will face later problems due to consultation issues” (Newman, 2017, p.10). Hence, while never legally codified, IBA’s are quickly becoming standard practice to ensure project approval and construction. This new standard effectively transforms the ways that Industry seeks to do business as it works with Indigenous communities.¹³

¹³ When it comes to infrastructure that is highly contentious—oil and gas pipelines in particular—the MLI is cognizant that the agreements are insufficient at securing ongoing consent. These pipeline-specific IBA’s should be distributed to Indigenous communities “corridor-wide”, they suggest, with larger allocations made to communities that would be “directly impacted” by the construction. This would include provisions to secure supply agreements with Indigenous businesses and corporations, and potential funding agreements with schools and community development programs (Coates, 2018, p.1). Travelling further up the spectrum of commitment, the MLI suggests that First Nations might be engaged as equity partners in pipeline development, whereby the industry proponent would rent the land in the pipeline’s path from respective First Nations and Indigenous communities would be provided with a chance to buy into the pipeline project itself. Finally, MLI suggests that another option is to

While the IOG places less of an emphasis on MPA's in its policy materials, it does reference its support for a more expansive notion of the agreements: it suggests that industry look "beyond IBA's" to build more collaborative and intensive partnerships that provide more substantial financial benefits than compensation for a single instance of development. It notes that developments in Indigenous rights through the courts, particularly the Tsilhqot'in decision from 2014, means that industry "should be prepared to negotiate and/or offer such agreements with Indigenous governments" (Nickerson, 2017a, p.26).

Corporate engagement

While formalized agreements such as IBA's are quickly becoming standard practice amongst industry's reconfigured relationship to Indigenous peoples, the think tanks also advocate for an associated yet distinct agenda calling on a more diffuse and intangible project of corporate engagement. This is taken up primarily by the CBoC and the MLI, who suggest that industry engagement with Indigenous people throughout a resource project's lifecycle should become standard practice. While some groups limit their commentary on industry engagement to an

designate land as an "Aboriginal Energy Corridor" where an existing pipeline corridor is leased "on fair market terms" from private landowners and the federal government to a First Nations owned company, or by the federal government naming Crown land in the corridor path as an extension to the reserve of First Nation whose territory it traverses (Crowley and Coates, 2013, p.9). The underlying strategy inherent in this agenda is clear: MLI elaborates that "First Nations should acquire a sufficiently large equity share to ensure long-term management and board participation in the project" (Crowley and Coates, 2013, p.9). The MLI goes on to suggest that First Nations should be responsible for acquiring equity shares through their own resources, potentially through loans that would be repaid out of projected project revenue.

advocacy position, the CBoC carries out training workshops for industry proponents on Indigenous relations. For example, the CBoC's Council on Corporate Aboriginal Relations held a workshop in 2018 on social media and Indigenous relations that analyzed "how new forms of communication practices impact public perception" (Conference Board of Canada, 2018 p. 3). Again, these shifting expectations on industry practice galvanize a new arena of responsibility for industry—and the impacts of this responsabilization in turn transform the requirements and expectations of the state, and Indigenous peoples.

The MLI and the Conference board advocate for early engagement prior to the project's implementation, stressing this as a necessary action to diffuse potential conflict surrounding a project. Early engagement is presented as a means of conveying the terms of development—specifically the market conditions which insinuate a climate of overall instability— and is frequently put forward as a means of encouraging communities to support the project (Council on Corporate Aboriginal Relations (CCAR), 2019)

Community development initiatives: industry picks up the slack from government

While early engagement prior to a project's construction allows for trust to be developed through relationships over time, the groups also advocate that companies go farther to develop trust by leveraging their political and economic influence to address issues beyond the scope of the project at hand. This passage from the CBoC demonstrates this strategy, as well as the group's tacit acknowledgement that this practice is not yet standard amongst corporations:

one way to build trust is for each party to consider options to assist the other party, even on issues not directly related to a negotiation. By taking an interest in the priorities of its counterpart, a party to the MPA can identify creative ways it can apply its resources to help build a stronger relationship. In several instances, proponents we interviewed had invested in community-based initiatives and projects. Proponents with less experience may be surprised when the indigenous groups they are negotiating with raise community issues related to inadequate funding for social programming, housing shortages, or limited access to potable water. (Westropp and Decoste, 2017, p.29)

Here, the CBoC writers suggest that corporations should adopt a proactive role to address issues generally considered outside of the scope of industry's responsibility to Indigenous peoples as set out by consultation policy. They describe a situation where during project negotiations a proponent had been told of inadequacies in federal education funding. Rather than dismissing the issue as outside of the scope of negotiations, they note, the proponent

set about taking several steps to support the indigenous group with this issue. First, the proponent encouraged the community to supplement federal funding with funding sourced from a community trust. Recognizing this was an interim solution, the proponent then organized a series of meetings between community leaders, the proponent's CEO, and federal politicians and officials to help resolve the matter with the federal government. The combined voice of an indigenous group and senior company

official can send a powerful message to policy-makers on issues, even when they are outside the scope of the project. (Westropp and Decoste, 2017, p. 3)

Reading between the lines, the CBoC seems to be suggesting that industry stands to benefit from this "non-essential" engagement practice in the eyes of lawmakers, who interpret industry's advocacy for an Indigenous community's needs beyond the project as a symbol of unity and collaboration with the community, which then flows back to benefit the project's overall image. Even more substantially, CBoC suggests that proponents consider liaising directly with government to supplement funding for these engagement costs—particularly if the proponent is reticent to commit to the investment:

the parties should engage governments offering business development support and skills training to leverage proponent and indigenous investments in these areas. Funding from governments will be especially important if a proponent is reluctant to expend funds on initiatives related to an agreement that is yet to be ratified.

(Westropp and Decoste, 2017, p.35)

In this way, industry is encouraged to lobby government in order to channel federal or provincial funding via the community towards their specific business interests. The Conference Board documents a number of occasions when proponents were able to ramp up government action in order to see a project through. Here, Westropp and Decoste from the CBoC are strikingly upfront about the relationship between corporate influence and state action on

reconciliation in the context of a nickel mine proposed for Labrador Innu and Labrador Inuit territories:

for example, in the case of the Voisey's Bay Mine, the indigenous groups were well entrenched in land claim negotiations as the project was being initiated. It was the federal and provincial government's desire to see the Voisey's Bay project proceed that motivated those governments to make greater efforts at the land claim table.(Westropp and Decoste, 2017, p.19)

The implications of these recommendations are sobering: when the presence of resource development industries becomes of beacon for much-needed social services, government funding and even jurisdictional power that should be on offer as a given instead gets framed as a conditional benefit of a community's willingness to participate in the development at hand. In this way, the responsabilization of industry to take on state-like roles, and the capitalization logic underpinning the "capacity" to self-govern as meted out by the state may profoundly limit the ability of First Nations to carry out meaningful self-determination—defined in the expansive sense as a Nation's ability to decide what kind of governance models they wish to employ and which economic models they want to apply them to.

EA as case study for role transformation

In the analysis above we saw the trifecta of actors as presented by the think tanks in this study— industry, Indigenous peoples and the state—as those whose roles are undergoing rearticulation via the key main policy frames of capitalization, responsabilization and decentralization. In what follows, I want to introduce the MLI’s policy recommendations on the changing federal Environmental Assessment Reform process as a microcosm of the upshot of such a policy configuration, particularly emphasizing the ways in which responsabilization inculcates new roles for Indigenous communities and industry amidst a terrain of risk.

Diffuse rights: Engagement, participation and the institutionalization of dissent through Environmental Assessment

While the MLI is the only group that takes up the EA processes in their policy recommendations, themes flowing from this policy agenda are indicative of the underpinning framework of capitalization, responsabilization and decentralization that has animated this chapter thus far.

The MLI suggests that the current regulatory regime needs to work to regain the public’s trust while simultaneously catering to industry proponents frustrated with its lengthy timelines and legal uncertainty flowing from ambiguously defined Indigenous rights by the courts. It calls on governments to ameliorate the current regulatory regime by creating spaces of accommodation for Indigenous representation within the regulatory process. Ideally, this approach is put forward as a means of dissuading Indigenous dissent which would otherwise emerge through the courts. Indeed, MLI states:

the meaningful and fair engagement of Aboriginal peoples in EA and resource development is not only the most efficient action to take but also the wisest one – it is relatively inexpensive when compared to the costs of litigation. (Noble, 2016, p.5)

In place of the litigious route, the MLI advocates for a participatory approach to EA that invokes a broad, diffuse and intangible “principle-based” policy configuration to be distinguished from more codified requirements to consult. At the core of a participation-based policy strategy is the principle of mediation and negotiation among interests, or “a means to seek balance among competing social goals and values” (Noble, 2016, p.9). In this configuration, Indigenous peoples are counted as one “stakeholder” amidst other interests to the land. As MLI’s Noble (2016) notes,

although particular attention is often given to Aboriginal participation, the interests addressed are primarily the shared interests of society regarding the maintenance of an acceptable level of environmental quality, which may, at times, be traded off against social or economic gain (p.9)

The cost-benefit redistribution of a participatory EA regime

Whereas the conventionally perceived responsibility for environmental assessment falls to the state to correctly assess the impacts of resource development, the MLI's recommendations on EA reframe the weight of responsibility to those whose interests are under consideration: in the case of much resource development in Canada, this frequently entails industry and Indigenous communities whose territories such development requires. Under this reformation, EA is

positioned as a strategic tool for industry and Indigenous peoples to use in a way that best achieves their respective interests. They make clear that those who stand to benefit from a participatory regime of environmental assessment—industry and Indigenous peoples—also must reconsider their involvement in terms of resources expended. This “you get what you pay for” configuration invokes a new field of responsabilization and entrepreneurialism which will be taken up in the subsequent chapters.

For industry, the benefits of the participation-regime are clearly stated: MLI suggests that proponents stand to gain a speedier and less politically controversial project review process, ultimately benefitting from a greater chance of EA approval for their project: “The meaningful participation of Aboriginal peoples in EA is necessary for project proponents to satisfy corporate social responsibility” Bram Noble (2016: 9) suggests. Noble goes on to cite the EA approval of the Sission mining project owned by Northcliffe Resources on the Maliseet Nation’s territories, which stipulated that the Nation continue to be engaged during and after the project's construction to monitor environmental and socioeconomic impacts. The proponent was responsible for funding this extended engagement process. MLI’s Noble went on to explain that:

Current federal EA participant funding programs do not support Aboriginal participation beyond the regulatory decision making process (Noble and Udo a 2015); yet such continued support is essential for ongoing Aboriginal participation (O’Faircheallaigh 2007), and the continued participation of Aboriginal communities in environmental

monitoring is increasingly required as a condition of project approval. (Noble, 2016, p.26).

Government funding is rarely enough to “ensure meaningful participation” they add, adding further that “the funding is typically restricted for engagement only up to the point of EA approval” (Noble, 2016, p.25). Here, while never formally codified, industry’s ability to fund Indigenous participation in EA becomes an implicit condition of project approval. Industry’s involvement in environmental assessment thus becomes less about its legal requirement and more about a host of “best practices” which are incentivized and voluntary. Again, and in the same note as corporate engagement described previously where companies are called on to supplement lacking state funding, industry’s ability to insert themselves in to the social and economic fabric of the Indigenous community is positioned a “best practice” activity that is increasingly yoked to project approval.

Within the MLI’s EA policy agenda, responsibility is also recast for Indigenous peoples working to defend their rights. MLI suggests that communities stand to gain "power through participation" by proactively engaging with the EA process (Noble, 2016, p.27). This includes carrying out monitoring activities as above where communities are incentivized to prepare accessible and defensible information to inform the regulator about potential project impacts, as well as developing relationships with industry throughout the project development to get a “seat at the table”.

MLI holds up the Orca Sand gravel mine located in Namgis territory as an example: the mine's proponent, Polaris, began to engage with the community three years before the environmental assessment commenced, during which time the 'Namgis Nation hired consultants to facilitate their engagement in the EA process and undertake technical assessments of the project. The MLI credits the 'Namgis "high level of capacity" with their ability to shape the project according to their interests: noting that through their participation, they were granted the ability to cease production activities if "critical adverse effects" were detected through their monitoring activities (Noble, 2016,p.13). In this way, a community agreeing to engage with the proponent is able to capitalize on its proximity to industry as a means of ensuring industry's compliance with agreed-to environmental standards (Noble, 2016). Evidently, this type of EA participation requires substantial resources and early preparation on behalf of Indigenous communities: "In-house organization of the Aboriginal community, prior to any proposed development, meant that the First Nation entered the EA process prepared to participate" suggests Noble (2016, p.20)

Conclusion

The previous analysis began by illustrating how the groups' simplification and historicization of colonialism as a manifestation of excessive government interference and unequal resource redistribution paves the conceptual path to the groups' framing of the reconciliatory project of one pertaining to "closing the gaps" between settler Canadians and Indigenous peoples. As such, it enables a discourse where Indigenous self-determination is conflated with capital development, and Indigeneity is articulated through a lens of capital. This capitalization logic is that which renders coherent a project of responsabilization where a trifecta of roles—those of

government, industry and Indigenous peoples are being recast and rearticulated. As the groups pivot away from reconciliatory approaches through the courts and federal policies, a decentralized policy lens is put forward, where industry is interpellated as a facilitator of reconciliation (acting as a beacon for capital and social services). Meanwhile, Indigenous peoples are responsabilized to produce their own conditions of self-determination through a “capacity building” project which is prefigured along lines of capital.

The potential consequences of these policy frames, of course, can be read through that which they leave out. Here, a number of questions arise: can capital effectively serve as a primary driver of reconciliation? And, does the rearticulation of the roles of state, industry and Indigenous peoples under a capitalized, responsabilized and decentralized policy agenda really transform the balance of power away from the state and towards Indigenous peoples as it purports to do, or has it simply multiplied the sites of the colonial project’s instantiation amidst an increasingly diffuse policy landscape? These are the questions that I will pose throughout the final chapters of this thesis.

As this chapter has shown, the texts put forth by each of the groups vary significantly: while the IOG interprets the question of state reconciliation as redefining jurisdiction and Indigenous self-government, Fraser, MLI and CBoC emphasize the centrality of the resource sector on reconciliation efforts, emphasizing revenue sharing agreements and environmental assessment reforms. Their difference also registers in discourse: whereas the MLI and Fraser are strikingly transparent about their allegiance to industry interests, the IOG (and to a lesser extent, the

CBoC) couch their policy recommendations in more diplomatic tone. The overarching policy frames articulated above, however, indicate that their policy recommendations offer a uniting frame that brings diverse groups catering to diverse audiences into coherence around a strategy of capitalization, responsabilization and decentralization. This coherence benefits and mobilizes via the diversity of its interlocutors, and, as the subsequent chapter will suggest, this mobilization may help to explain the discourses emerging within recent developments in state-Indigenous policy.

Chapter 4: Reverberations in government

This chapter will take stock of the ways that the three policy frames are already moving through the current federal policy agenda on Indigenous reconciliation. As I unpack emerging developments in federal policy, I suggest that we can gain a deeper understanding of the degree to which the state and the think tanks in this study are coherent in their objectives. Indeed, the following analysis suggests that both appear to be encroaching on a terrain of state-Indigenous policy development that discursively eschews overarching and clearly codified policy development in favour of a diffuse, decentralized agenda that links a particular form of aboriginal economic development to "capable" governance and recognized autonomy.

Before I address the federal government's current policy agenda, however, I will introduce a telling piece of legislation—the First Nations Fiscal Management Act (FMA)—that has been playing a role in Indigenous-state policy development since it came into force in 2005. This legislation—and the subsequent establishment of various institutions to implement its tenets—represents a pivotal development in the creation of a bureaucratic architecture institutionalizing and normalizing the frames echoed in the think tanks' policy materials, and its instrumental role in the federal government's current policy framework offers a practical example of the ways that governance capacity is being shaped and foreclosed along lines of capital. The FMA's creation in 2005 is retrospective to the think tanks' policy materials I assess in this thesis (2013—2018). This further indicates that what the think tanks are advocating for is certainly not new, but their coherent advocacy for policy discourses already germinating

elsewhere reflect a growing consensus amongst corporate capital helping to mobilize them.

Subsequently, I investigate the Recognition and Implementation of Indigenous Rights Framework set out during the leadership of Justin Trudeau, as means by which to compare the policy materials emerging from the think tanks to the current face of state Indigenous policy.

The First Nations Fiscal Management Act (FMA)

The passing of the First Nations Fiscal and Statistical Management Act (FNFSMA) (later changed to the First Nations Fiscal Management Act [FMA])—and the subsequent establishment of various institutions to implement its tenets—represents a pivotal development in the creation of a bureaucratic architecture institutionalizing and normalizing the frames echoed in the think tanks' policy materials.

The first call for such an act emerged from discussions within the Royal Commission on the Rights of Indigenous Peoples (RCAP) in 1996-1997 at the National Table on Fiscal Relations (Calla in The First Nations Financial Management Board History, 2012). Eight years later, in 2005, legislation was passed under Paul Martin's Liberal Government to launch the FMA, and its first board was appointed in 2007. The FMA reflects an optional piece of legislation that Nations can choose to be scheduled under, thereby removing themselves from key financial conditions of the Indian Act (Woodward. n.d). When nations agree to be scheduled under the FMA, they forgo their taxation status under the Indian Act, removing a number of barriers to access capital

markets (Woodward, n.d).¹⁴ Under the new act, for example, tax revenue can be posted as security for bank loans for First Nations, making their credit situation similar to that of BC municipalities (Woodward and Co, n.d).

The act spurred the creation of four institutions – the First Nations Tax Commission (FNTC), the First Nations Financial Management Board (FMB), the First Nations Finance Authority (FNFA) and the First Nations Statistical Institute (FNSI). Each works with an overarching mandate to facilitate access to financial markets for First Nations throughout the country (Nickerson, 2017a). According to the IOG, this legislation has had the effect of "improv[ing] certainty, confidence and infrastructure for participating First Nations, taxpayers and investors" (Nickerson, 2017a, p.21). Indeed, the IOG is a vocal proponent of the FMA and its various institutions, invoking a discourse of decentralization as it suggests that the FMA's capacity to move "more decision-making power to First Nation communities will reduce the scope of federal oversight, reduce the administrative burden of that relationship, and foster more innovation by First Nations" (Nickerson, 2017b, p.8). Indeed, as I will go on to explain, the FMA works within the logic of lessening government oversight while institutionalizing the preconditions for that passing-down-of-power along lines of capital.

While the government calls each of these institutions "First Nations led" they remain "accountable to parliament" through the new iteration of INAC—Indigenous Services Canada

¹⁴ Under section 89 of the Indian Act, nations are protected from seizure, execution and foreclosure resulting from defaulted loans, and this has the effect of making it difficult to receive credit funding from banks (Woodward, n.d).

(ISC), and the board of directors is appointed by the Governor in Council and AFOA Canada (Calla, 2018). In 2002, the AFN opposed early indications of their creation, suggesting that they did not adequately represent the will of First Nation leadership (King and Pasternak, 2018).

The FNTC started out as an advisory body to support First Nations in collecting property taxes, but eventually evolved into its current role advocating for the development of private property regimes on reserve. Meanwhile, the FNFA secures financing for First Nations who are scheduled under the FMA, using the property tax revenue as security for the debts. Any Nation wishing to borrow money from the FNFA needs to obtain a certificate from the First Nations Financial Management Board (FMB) that states that the band is "compliant with the standards of the financial administration laws" (Woodward, n.d).

Because of the FMB's role as a gatekeeper to the other institutions and services generated through the FMA, a deeper analysis of this institution in particular is warranted. The FMB is the FMA-generated institution that provides "capacity building" for First Nations by offering various financial management trainings and running a certification program known as the "Financial Management System Certificate." The certificate is awarded to First Nations that demonstrate a set of "internationally recognized good governance and finance practices," referred to as "standards". According to the FMB, "[t]he standards are intended to enable the first nation to carry out its financial administration in a manner that substantially accords with sound financial administration practices of governments in Canada" (First Nations Financial Management Board, 2018, p.4).

The FMB advises governments on how to modify their governance structures in accordance with these standards, and it carries out an evaluation process to determine whether or not a nation's governance is in “compliance”. If the standards are deemed to have been met, the FMB will award the nation with a Financial Management System Certificate, as set out in the FMA, enabling them to become a borrowing member of the First Nations Finance Authority. The list of standards comes with a staggering number of conditions ranging from the timing and content of annual budgets to the hierarchical structure and roles of officers and employees within the financial administration of a given nation (First Nations Financial Management Board, 2018, p.4). It also places exclusive emphasis on a First Nation’s band council as the financial administrator. The FMB holds the legal right to revoke the certificate at any time, suggesting that the FMB holds considerable power to determine a nations’ ability to borrow funds at their discretion (Woodward, n.d). There is no appeal process for a nation wishing to appeal the FMB’s decision to revoke their certification status. The FMB also provides third-party verification services on recommendation from the FNTC and the FNFA, and it advises nations on how to achieve their own FMB certification. Only nations who opt-in to the FMA are eligible for FMB borrowing services (Woodward, n.d).

By making these policies optional, FMA instantiates a field of responsabilization for Indigenous peoples as it subtly incentivizes its certification and training programs—and the forms of governance they inculcate—by holding certain forms of jurisdiction contingent on approval through the FMA process. This process, of course, is underwritten by the capitalization logic

that articulates normative ideas about “good governance” through the lens of capital accumulation. The following analysis will contextualize the FMA as a key actor in the state's shifting reform on state-Indigenous policy encapsulated by the Recognition and Implementation of Indigenous Rights Framework.

Impacts in Government: From band councils to self-government agreements

Justin Trudeau’s leadership has seen a large-scale rollout of new federal legislation and policies aimed at transforming the architecture of Canada’s relationship with Indigenous peoples (King and Pasternak, 2018). With an unprecedented number of policy initiatives at the table, it is outside of the scope of this paper to provide an exhaustive analysis of the impending changes, and many of the framework’s contents still remain to be seen. My analysis here will focus on the federal government's intentions to move away from modern treaty and land claim processes in favour of a more "sectoral" approach that bears resemblance to the BC Treaty Process (King and Pasternak , 2018), offering a lens into the ways in which the key frames of capitalization, responsabilization and decentralization are characterized in the current state of Indigenous-state policy development.

Without consulting First Nations Chiefs or communities, in summer 2017 Trudeau announced that Indian Affairs and Northern Development would be split into two new departments—the Department of Indigenous Services and the Department of Crown-Indigenous and Northern Affairs (Diabo, 2018, p.7). In early 2018, Trudeau announced that his government would carry

out a Recognition and Implementation of Indigenous Rights Framework, which would eventually include new rights legislation based on a number of studies covering state-Indigenous relations policy over the years, including RCAP, adding that he would like to have the framework in place before the next election in 2019 (Tasker, 2018). In alignment with recommendations from RCAP—and in accordance with the recommendation of the groups in this study—the Framework is explicit in its intent to dissolve the policies laid out in the Indian Act. According to the Prime Minister, the Framework represents a critical step towards his government’s commitment to unconditionally implement UNDRIP (Trudeau, February 14th, 2018).

At its core, the new framework would replace policies such as the Comprehensive Land Claims policy and the Inherent Right to Self-Government policy with a new process to "advance self-determination" for First Nations (Trudeau, February 14th, 2018). In practical terms, this process introduces an incremental approach to the recognition of First Nations’ ability to self-govern, parsed out through case-by-case negotiations with state-affiliated institutions (such as the FMB) and the provinces predicated on particular forms of “governance capacity”. King and Pasternak (2018) suggest that this will likely include aggregation and reconstitution of nations to "scale up" across regional and sectoral lines, while devolving the responsibility of service-delivery to a growing contingent of "First Nations governing institutions" such as the First Nations Health Authority.

Citing this decentralized and devolutionary policy agenda, King and Pasternak (2018) note that under self-government agreements "First Nations are delegated powers to deliver services at the regional level that they may not be permitted to design. This will inevitably include a greater role for provinces to fund and oversee these initiatives, relieving the federal government of obligations." (p.13)—here, First Nations would be responsabilized to take on new roles in service delivery but may be devoid of the ability to shape those services as they see fit. Moreover, the framework legislation applies to nations outside of just those who haven't signed treaties and were therefore previously unable to determine Comprehensive claims policies with the crown, "This means that the old Inherent Right¹⁵ policy may be shifting into a more flexible, ad hoc and sectoral process of negotiation that includes multiples tracks for various circumstances." suggest King and Pasternak (2018, p.21). As such, the flexible, diffuse and decentralized policy frame advocated for by the groups may be on the move via case-by-case self-government agreements applicable for both treaty and unceded nations throughout the country.

Alongside its self-government agenda, the Framework will also be adjoined by a new fiscal initiative. In July 2016, Indigenous Services and the AFN signed a MOU to work together in pursuit of a "shared vision for a new fiscal relationship for First Nations" with the ultimate goal

¹⁵ The Inherent Right Policy of 1995 informed the Comprehensive Land Claims Policy and provided an articulation of how self-government powers should be read flowing from the 1982 patriation that affirmed Aboriginal and treaty rights. It specified the limits of self-government, noting that self-government was always implicated within the framework of the Canadian Constitution, and that "the right of self-government " does not include a right to sovereignty in the international law sense" (Diabo, 2018).

of working to generate a new Fiscal Policy Framework (Government of Canada and the Assembly of First Nations, 2017, p.1). Notably, the IOG is listed as a contractor alongside the PR firm, Hill and Knowlton Strategies (Government of Canada and the Assembly of First Nations, 2017), where many MLI contributors are employed. Both organizations worked on adjunct research associated with the Framework process—at the time of writing, neither of these research initiatives has publicly released their materials.

The Fiscal Framework is evident in the Liberals' 2018 budget, which has committed to allocate \$189 million to capacity building and data collection. Much of that funding will be directed and administered via the four institutions developed out of the FMA (Diabo, 2018). The Framework also includes a "10 year grant" that will ease the "transition to [Self Government Agreement] SGA", according to the AFN Chiefs Committee on the new Fiscal Relationship (King and Pasternak, 2018, p.17). Granting criteria for the award will be based on the state's assessment of a given nation's capacity development, and will require First Nations to have a Financial Administration Law—ideally certified by the First Nations Management Board themselves—and "a proven track record of five years of strong financial management" (King and Pasternak, 2018, p.17). This suggests that nations may be increasingly responsabilized to take on forms of financial governance to be deemed "capable" of increased jurisdictional power via self-government agreements. This capitalization of recognition politics harkens back to normative articulations of "good governance capacity" as tied to particular relations to capital accumulation.

Again, and parroting the proposals put forward by the groups in the previous chapter as they call for “incentivized” policy options, First Nations will not be forced into adopting the self-government process. Despite the Framework’s framing as a “free choice” made available to Nations, King and Pasternak (2018) ask “what kind of choice is a voluntary process if alternative models—ones that might focus on traditional territories, title lands, or expanded governing authority—are not an option? ” (P.13). Further, they suggest that history informs the governing behaviour we are likely to see: in the past governments have withheld or reduced various forms of fiscal transfers in order to coerce First Nations into adopting new policies (King and Pasternak, 2018). This dynamic is indicative of the governmentality of the decentralized policy frame, where the coercive features of a given policy apparatus are obscured by its presumed availability as an autonomous choice. For many Nations, notes Diabo (2018) the path of negotiation is chosen over that of litigation because federal funding is only made available for the former: “As Art [Manuel] predicted” he says “hundreds of Indian bands are negotiating under this federal municipalization policy largely because they can’t afford to go to court and negotiations are federally funded” (p.18).

The foreseeable outcome of this plethora of policies sees the state operating within a newly framed discourse of legitimation to structure the terms of recognition—in this case the recognition of Indigenous-self government—according to particular expectations about the relationship between governance and capital. Indeed, despite a complex formulation of policies and funding mechanisms, the Rights Recognition Framework and its corresponding Fiscal Framework effectively shift responsibility to negotiate jurisdiction with First Nations away from

the federal government and towards ostensibly “Indigenous led” institutions and the provinces, creating a redistribution of responsibilities and the municipalization of service delivery to self-governing First Nations, while ultimately holding fast to terms by which that devolved jurisdiction is recognized.

Ultimately this leaves the question of land (and the question of the Crown's sovereignty over it) notably absent. The character of this erasure was also resonant the ways that the think tanks drew on a complex apparatus of diffuse and optional policies while entirely avoiding any discussion of ultimate land jurisdiction. King and Pasternak (2018) add that "we find that nearly all of Canada's proposed changes to its relationship with First Nation peoples neglect issues of land restitution and treaty obligations" (p. 5).

While substantive details on the self-government regime underpinning Trudeau's Framework are yet to be revealed, the indications above suggest that discourses of capitalization, responsabilization, and decentralization are not only shared by each of the groups in this study, but also appear to be informing federal government policy development. The following analysis will locate these strategies in the context of neoliberal governing rationality, drawing attention to inequities that they work actively to obscure.

Chapter 5: Discussion

This thesis took as its object of analysis the work of four think tanks—all funded in various ways by corporate capital and resource capital in particular—positing that their somewhat recent collective mobilization on the issue of state-Indigenous relations is not accidental, but rather a product of a changing terrain of Indigenous rights resistance on the ground, in the courts and in the international sphere. It further suggested that this mobilization indicates industry’s growing awareness of the threat that such resistance may pose to capital accumulation—particularly in the context of resource development that predicated its profits on access to the Indigenous territories that it has historically exploited.

Despite their divergent tones and policy foci they cover and despite the varying networks and audiences throughout public and private sphere to which they cater, my analysis identified a trifecta of key policy frames—capitalization, responsabilization and decentralization—emerging throughout their discourse. This finding suggests that seemingly disparate political discourses often carry out distinct but supportive roles in sustaining a coherent policy agenda: in this chapter, I will suggest that this agenda is indivisible from, and in the service of, the current dispossession regime.

A major aspect of these findings is that policy development is not linear: the discourse on Aboriginal Economic Development has not developed evenly over the course of its historical trajectory. I argue here, for example, that key lessons from the Harvard project are only now beginning to fully surface in Canada’s policy landscape. In this chapter, I want to pull apart

some of the consequences and implications of the policy frames as the groups have articulated them, while situating these frames in the context of their political history. Indeed, and again—what the think tanks are producing is not particularly new, but their collective mobilization and consolidation of divergent audiences around them—and, as the previous chapter articulated—their recent uptake in federal policy development, illustrates that they may be gaining a new and powerful momentum. Our ability to trace the roots and sometimes sporadic development of the frames they draw on can better inform our understanding of their contours and consequences, ultimately shaping our responses to them.

This chapter unpacks the two grounding questions referenced in chapter three which call attention to each of the guiding frames of this thesis: can capital accumulation provide an effective force behind the reconciliatory project between the state and Indigenous peoples? And do the rearticulated roles of state, industry and Indigenous peoples under a capitalized, responsabilized and decentralized policy agenda really shift power away from the state and towards Indigenous peoples as it claims to do, or has it simply multiplied the sites of the colonial project's instantiation amidst an increasingly diffuse policy landscape? These are the questions I will now turn to.

Capitalizing Indigeneity

In the interest of contextualizing the first frame, *capitalization*, I want to return to the blundered policy attempt that was the FNPOA, taken up in chapter 2. The FNPOA, I will suggest, offered a critical and transformative seed which has grown into and permeated the groups' articulation of the capitalization frame, yet its failure is indicative of that which it left out—a

lesson, I will argue, that the Harvard project foregrounded in the 1990's. As a formative distinction from previous iterations of more bluntly assimilationist policy—and due to its subsequent failure due to criticisms along the same lines—the FNPOA provides a helpful point of departure from which to observe the changing face of the dispossession regime. First, as indicated in chapter 2, FNPOA's "reframing" in the context of a shifting politics of recognition highlights its position as a critical intermediary step in the regime's progression from politics of assimilation to that of recognition. While this was not the first time this form of recognition discourse had emanated from state and state-affiliated actors (recall RCAP, as an example), as a discrete piece of legislation FNPOA's rejection of previous calls for fee simple on reserves showed that the regime had moved sufficiently to bring even the most staunchly neoliberal thinkers (Flanagan in particular) along with it. In fact, many of the FNPOA's key proponents—Flanagan from Fraser Institute and Crowley from MLI and in particular—have continued writing on Indigenous issues for their various institutions, but their tone has changed substantially away from the target of private property regimes. So, the question at this juncture is: in what ways are the think tanks drawing on what the FNPOA invoked, and in what ways have they learned from its ultimate failure?

When the FNPOA was unveiled, it represented a decisive break away from outwardly assimilationist policy. Under the FNPOA, discursive strategies calling for fee simple were transformed from the previous Flanagan-esque rhetoric in *First Nations, Second Thoughts* that called for private property regimes on reserves as a way of bringing Indigenous people in as full participants in the mainstream economy. The FNPOA was constructed differently. By conflating

free simple with Indigenous forms of jurisdiction, FNPOA created discursive room to argue that First Nations were able to assert their Indigenous title through the adoption of its policies (Fabris, 2016). In this formulation, the primitive accumulation of capital through private property became a means of achieving self-determination and nationhood. This was a critical move for proponents of private property on reserves, as assimilation-based narratives had long been chased out of the discourse via resistance to the White Paper and the Indian Act. As noted in chapter 2, while the Federal Framework on Aboriginal Economic Development couched the imperative of capital accumulation in terms of improving Indigenous “self-reliance”—a remark which invokes discourses that problematize Indigenous dependency, FNPOA abandoned such framing for the notion of “self-determination”. This transformation, I suggest, indicates its intent to productively associate a discourse of self-realization and resistance to capital accumulation.

First, in order to do this, FNPOA had to reduce Indigeneity— and the myriad relationships to land jurisdiction which this envelops within it—to fit under the uniform register of private property, hence making it amenable to the capitalization logic. This form of cultural reductionism, I will suggest, is emblematic of one of the current dispossession regime’s key hallmarks, and continues to infuse policymaking with a discourse that excludes and forecloses under the banner of inclusivity.

To understand the ways in which FNPOA articulated Indigeneity through the lens of capital we need to explore the ways it translated and limited that which Indigenous “culture” consists of.

Drawing from Fanon's "cultural racism"—later conceptualized by critical race scholars as the "culturalization of racism"—Coulthard (2014) suggests that the strategic articulation of culture in accordance with the interests of the colonizer is one of recognition politics' fulcrum tools of operation. When the state no longer depends solely on the use of violent force to generate compliance, it relies on recognition politics that constrain the parameters by which it will recognize the colonized. While it may be politically impossible to legislate policy that excludes peoples for genetically identifiable traits, "cultural racism" shifts to exclude behaviours that are "learned" which Fanon termed "ways of life" (Coulthard, 2014, p.85). In this case, "culture", like "indigeneity" becomes a relationally-formed assemblage that works to erase certain forms of difference.

Brown (2009) discusses a similar process of erasure in her work on regimes of tolerance in liberal societies,¹⁶ adding a helpful indication as to the fate of the "tolerated" markers of difference: they enter the realm of privatization. Tolerance discourse paints conflict between various cultures, religions and ethnicities as an inherent friction of identities whose conclusion can only be ameliorated between the granting of tolerance from the normative hegemony to the "other". That which cannot be tolerated becomes *depoliticized* via the retelling of political phenomena, facilitating an erasure of power relations embedded in historical context. This process of strategic privatization "substitutes emotional and personal vocabularies for political ones in forming solutions to political problems" (p.16). As emotional norms calling for

¹⁶ Brown was clear about the temporal and political importance of tolerance discourse as a "distinctive feature of modern governmentality" and a strand of biopower, intent on orchestrating life (p.79).

sensitivity and respect supplant concerns for justice and the material outcomes it demands, accommodations such as “sensitivity trainings” come to present a legitimized stand-in for the redistribution of political power.

As the FNPOA made the claim that Indigenous self-determination was necessarily compatible with private property regimes, it carried out a radical assumption about Indigenous forms of jurisdiction that exclude the “multiple, overlapping” forms of jurisdiction understood by many Indigenous communities which Pasternak (2017) articulates. In this formulation, “culture” does not have bearing on land jurisdiction, and instead exists separately alongside it. The basis of jurisdiction over land thus becomes a depoliticized field that can be grafted onto Indigenous culture without upsetting its overall constitution. Further, the FNPOA’s justification—that private property would facilitate capital accumulation for communities and thus result in Indigenous self-determination—assumes a natural compatibility between Indigenous culture and capitalist economic system which, as I will draw on authors such as Atleo, Coulthard and Altamirano-Jimenez to explain— is not a given.

This depoliticization of Indigenous culture, I want to suggest, is that which the think tanks have carried over from the FNPOA as a means of informing their current articulations of Indigeneity. While the think tanks rarely reference private property regimes,¹⁷ they continue to form articulations of Indigeneity and Indigenous self-determination which blend seamlessly with

¹⁷ And indeed, this may be a conscious avoidance in response to the FNPOA’s failure, largely due to the widespread Indigenous resistance it faced due to its private property-based policy narrative.

capital accumulation—and the relationship to land this accumulation ultimately requires.

Indeed, the IOG picks up on this strategy as Nickerson celebrates “legacy rooms” as a feature of Indigenous education in Canadian financial institutions:

Deloitte, Scotia Bank, and other businesses are also currently designating rooms within their institutions as “legacy rooms”. These public spaces currently being created allow for the education of Indigenous history, and create a space to work together for a better future. In the spirit of “peace and friendship,” the general public and new Canadians may be inspired to contemplate Indigenous issues and the way forward. (Nickerson, 2017b, p. 6).

Housing “Indigenous culture” in the shrines of capital accumulation—Canada’s major banks—creates a tacit assertion that there is no inherent contradiction between the two. In this formulation, Indigenous peoples have “culture” while the bank is figured as a cultural void— a facilitator of economic rationality. Culture here becomes a symbol of tolerance via its directionality—Indigenous cultures are “tolerated” and truncated of political meaning, while capital accumulation is the unquestioned benefactor of tolerance, and inherently apolitical.

As they articulate Indigeneity as a depoliticized cultural practice, a discursive flexibility opens up for the think tanks analyzed in this study as they work to render capital accumulation synonymous with self-determination and nationhood, a conflation that encapsulates the *capitalization policy* frame. This also produces logical coherence for MLI’s argument that the

resource development industry is on the “frontlines” of reconciliation between Canadians and Indigenous peoples, and for IOG’s suggestion that the private sector can provide “opportunities to advance the self-governance aspirations of communities” (Institute on Governance, 2014, p.48). It also enables a discourse suggesting that “good” governance entails a “separation of business from politics”—a recommendation articulated by each of the think tanks in the context of “good” governance capacity.

While “separating business from politics” is frequently referenced in the context of reducing government corruption, the concept is slippery, and can thus backpack significant ideological weight into norms of “good governance” in the name of ethics. The question is: can business exist without touching politics? Or does the conceit of its possibility indicate the opposite? In what follows I will unpack business/politics divide as a characteristic trait of the current dispossession regime. For Foucault (2004), this separation is facilitated by a regime of truth with a corresponding governing rationality steered by neoliberalism.

Foucault (2004) explains that this unprecedented regime of truth emerged in the eighteenth century, when the market went from being one of the focal instruments *for* state power (under a *raison d’etat* where the state’s legitimacy is its own circular reasoning) to becoming the substance of state legitimacy itself. The regime of veridiction¹⁸ had changed from the *raison d’etat* to that of the market, and the market became the new “self-limiting governmental

¹⁸ Foucault (2004) describes the regime of veridiction as the “the set of rules enabling one to establish which statements in a given discourse can be described as true or false” (p.35).

reason,” where the limiting factor of a government’s competence “will be bounded by the utility of governmental intervention” to maintain a field of competition (p.40). Accordingly, the state should not intervene in the economy to produce certain economic effects in the interests of protecting citizens’ rights. Instead, at the mercy of global flows of capital and geopolitics, it calculates a delicate balance of actions to the extent that they are effective in sustaining a competitive economy for a market that it cannot hope to predict (Foucault, 2004, p.84); its political capacity has been hollowed out.

This extreme non-interventionism facilitates, legitimates and naturalizes the separation of business from politics as normative “good governance” as put forward by the think tanks.¹⁹ This type of governance is central to capitalism’s functioning, suggests Wood (1981), who observes that the differentiation of business from politics means that the “the social allocation of resources and labour does not, on the whole, take place by means of political direction, communal deliberation, hereditary duty, custom, or religious obligation, but rather through the mechanisms of commodity exchange” (1981). Producers are therefore “free” to spend their surplus labour as they so choose. Of note, this functional differentiation does not diminish the centrality of the state as a coercive power and a structure of domination whose judicial backing “invests capitalist property with an authority to organize production itself—an authority probably unprecedented in its degree of control over productive activity and the human beings who engage in it” (Wood, 1981,p. 82). Hence, Wood adds, “the ‘economic’ sphere rests firmly

¹⁹ Again, however, the “separation of business from politics” as a means of “good governance” in Indigenous communities is not a new construction of the think tanks’ invention. As noted in chapter 3, the Harvard Project was instrumental in popularizing this discourse.

on the 'political', despite their 'differentiation'" (p.81) Indeed, suggests Wood (1991), the 'privatization' of political power encapsulated by this separation is that which provides capitalism's image of emancipation and equality amidst its reality as anything but. Subject to the laws of accumulation and bound to the project of increasing surplus-value, the capitalist's control over the means of production under the guise of apolitical "market logic" nonetheless demands the subjection of the labourer.

Separating "business from politics" thus appears to be a misnomer: what Foucault (2004) makes clear is that the governing rationality of the market mandates a government that is wedded to the notion of utility—government becomes an act of governing "just enough" to sustain the market economy. It is opposed, therefore, to the act of structuring markets in order to achieve a given effect on behalf of the rights of the peoples it governs. This fundamental orientation to governing is diffuse and far-reaching, and anything but apolitical, yet its assumed neutrality is instrumental in the discursive strategies that the groups proffer. So, how does the "separation of business from politics" and its automatic equivalence with norms of "good governance" depoliticize Indigenous culture as an extra-economic field, and what is at stake in this reduction?

As a non-Indigenous person, I do not want to—nor am I capable of—forging ahead with arguments as to why capitalist accumulation is out of alignment with so-called "Indigenous worldviews." Not only would this erroneously reduce a vast multitude of Indigenous cultures down to a fictional singularity, it would also require me to claim an understanding of a lived

experience of Indigeneity that I do not have. Instead, I look to Indigenous scholars who are able to bring this experience to their critique of articulations of Indigeneity unquestioningly channeled through capitalism, and the imposition of capitalism as a form of "development" for Indigenous communities.

The ways that Indigenous cultures experience land is imperative to the place-based ethics which foregrounds Coulthard's (2014) critique of liberal articulations of Indigeneity: Similar to the ways that Marx intended the *mode of production* to be understood as both constitutive of and constituted from social relationships and the forms of thought and behaviour where they are embedded, Coulthard suggests that a "mode of life, a life on/with the land that stressed individual autonomy, collective responsibility, nonhierarchical authority, communal land tenure and mutual aid" is inseparable from Dene articulations of culture (p.65). As a member of the Nuu'chah'nulth, Atleo (2009) reflects that a Nuu-chah-nulth understanding of "land" is not limited to the surface and subsurface terrain but also includes living things that are sustained by it—of which humans are an embedded—but not superior—part. These articulations of land and the relationships they entail do not map onto the logics of capital accumulation, suggest Coulthard (2014) and Atleo (2009, 2015). Indeed, they suggest that the competition which compels capital to grow or die requires a land-relationship that erases relations of reciprocity embedded in Dene and Nuu'chah'nulth cultures. As Altamirano-Jimenez (2015) points out, "one of the serious consequences of linking rights with economic development is that nature and natural resources are almost exclusively depicted as economic potential, a depiction that does

not always match Indigenous peoples' understandings of their place-based relationships with nature" (p.6).

Indeed, capitalism and the steepening pitch of competition inherent in the current terrain of neoliberal economic rationality has not been good for the environment. Milton Friedman and other proponents of neoliberal political orders suggested that in such markets, environmental externalities could somehow get factored back in to the economy, but such arguments that economic growth can be "decoupled" from its destructive impacts on the living world have yet to be substantiated (Harvey, 2011). Polanyi (2001) helps to clarify the parasitic relationship between capital and life as he describes the "fictitious commodities"—land and labour—whose commodification means that both are at the mercy of the market economy whose inherent nature will exploit them entirely if given a chance. The ratchet effect of economic growth is resonant in rising levels of greenhouse gases, species extinction and the depletion of soil biodiversity—among many other indicators of environmental collapse. Meanwhile, neoliberalism's insulation of individualism paired with unregulated markets compounds social inequalities while blaming them on the failure of rational, self-interested subjects to compete well in a context of ever-present risk. As it props up competition and the culture of survival it invokes, the land-as-commodity interpretation characteristic of capitalism has had—and continues to have—devastating effects on ecosystems and communities.

But even bracketing the argument around the relative sustainability of neoliberal capitalism, the groups' willingness to press a discursive seal between Indigenous self-determination and

capital accumulation is problematic insofar that it forecloses the question of what self-determination might entail if not prefigured along lines of capital. If, as Coulthard (2014) suggests, we should understand “‘culture’ as the interconnected social totality of distinct mode of life encompassing the economic, political, spiritual and social”, a politics of recognition is in effect whenever its articulations are constrained to particular divisions between economic and social as we see operating here (p.66).

Responsibilization and decentralization

Decentralization is a focal policy strategy that facilitates responsabilization’s diffusion across public and private actors under the banner of self-determination and reconciliation. Drawing on the FNPOA as a benchmark for the think tanks’ policy recommendations, I will suggest that the policy frame of decentralization—and the responsabilization it engenders as a result, represent a key adaptation to the failure of the FNPOA. Indeed, as Schnoor (2017) notes “the nature of dispossession morphs” in the face of resistance, indicating that dispossession countermovement is that which ultimately drives the regime’s restructuring (p.100). As I’ve discussed above, the FNPOA's treatment of culture, and its attempts to articulate Indigeneity along lines of capital accumulation have been echoed in the think tanks’ policy materials. But here I want to explore the ways in which they have pivoted their policy frames since then to adapt their position in light of that which it failed to include.

Of note, the FNPOA could be entered into on an opt-in basis, meaning that nations had the ability to remain under the Indian Act or adopt the FNPOA's legislative space to create private property regimes on reserves. However, to the degree that the FNPOA represented a clearly codified piece of legislation with a discrete interest (to open up First Nations reserves to fee simple land ownership) and as a piece of legislation which would be uniformly available to all communities, its uptake in the federal government's 2012 budget provided a fairly transparent articulation of the state's strategic agenda in terms of reconciliation with Indigenous peoples. Here I want to argue that when the FNPOA is contrasted with the policy frame of decentralization emerging from the federal government (discussed in chapter four) and galvanized much earlier by the Harvard project (see chapter two) a notable shift in the dispossession regime becomes visible.

Indeed, each of the groups is outspoken in their admonition of any overarching policy positions that articulate a uniform policy agenda from the federal government that would apply to all First Nations in the country. This includes asking for government to offer a "broad policy commitment" followed by implementation via "flexible and agile" contractual instruments, ostensibly allowing for greater contextual sensitivity to distinct Nations throughout the country (Kala and Fiser, 2017, p.104). They also warn First Nations, governments and industry away from approaching rights recognition via the courts, citing financial cost for all involved and the potential risks to already existing title for Indigenous peoples if the court doesn't rule in a nation's favour. Instead, a reconciliatory regime drawing on discourses of "engagement" "participation" and "collaboration" animates a "decentralized" policy agenda, where

negotiation processes eschew codified legal contracts. Economic development and revenue sharing between industry, governments and Indigenous peoples are posited as the benefits of this approach.

It should be noted that the decentralized policy frame addresses issues inherently linked to Canada's colonial history which should not be underestimated. First, policy initiatives such as the Indian Act imposed oppressive and unilateral control via the Canadian state which obliterated traditional governance methods and helped facilitate the genocide of Indigenous peoples (Harris, 2002). A policy agenda that approaches reconciliation on a Nation-by-Nation basis in this lens makes a certain kind of sense in the interests of affirming and recognizing each Nation as a distinct entity. Second, extreme rates of poverty exist throughout First Nations communities via the impacts of colonization and the dispossession that facilitated it: treaties can take years to negotiate, and many have critiqued the treaty process on the grounds that Canadian state—with its vast differential in resources to negotiate—stacks the odds fundamentally against First Nations who participate in the process (Fabris, 2016, Atleo, 2010, Atleo, 2018). Contractual relationships that promise to deliver income and employment in the short term would seem to be an ideal solution to an immanent crisis.

So while in this regard, decentralized and diffuse policy making appears to be an obvious choice, when combined with the particular neoliberal governing rationality as above, the notion of “decentralization” may carry a number of latent effects. The first is somewhat obvious: by ascribing to a decentralized regime, the Canadian state is able to avoid making explicit its

position on Indigenous title, and thus obscures the bottom line when it comes to dispossessing land if it so chooses. By negotiating each self-government agreement on a case-by-case basis, as the recent federal Recognition and Implementation of Rights Framework sets out to do, the government is able to avoid making statements that overpromise, as the groups (particularly the MLI and the CBoC) have cautioned the government against.

The second utility of the decentralization narrative is more insidious: by working to reconfigure the trifecta of roles and responsibilities held by Indigenous peoples, industry and government, to a certain extent direct state intervention into Indigenous communities and governance is minimized. Again, on one hand this is justified, as state imposed policies on Indigenous peoples have been and continue to be one of the core mechanisms of colonialism and the dispossession it carries out—but I want to suggest that this particular variant of freedom on offer may indeed be its own form of diffuse but still ongoing recolonization via the relatively new politics of recognition flagged by Coulthard (p.4). As I will go on to explain, the discursive strategy of “decentralization” is a harbinger for the politics of recognition under a neoliberal economic rationality where Indigenous peoples are interpellated as entrepreneurial subjects, or *homo economicus*, and self-determination is articulated through a political discourse of responsabilization (Brown, 2015). As this politics sidelines (while still sustaining) the role of the state in reconciliation with Indigenous peoples, the reality of ongoing colonialism—the state’s ability to dispossess jurisdiction over land— is obscured.

As Coulthard (2014) and Simpson (2008) have pointed out, settler colonial rule has become a form of governmentality. According to Coulthard (2014) this looks like “a relatively diffuse set of governing relations that operate through a circumscribed mode of recognition that structurally ensures continued access to Indigenous peoples' lands and resources by producing neocolonial subjectivities that co-opt Indigenous peoples into becoming instruments of their own dispossession.” (P.156) Neoliberalism wears many masks, and it can be read as a uniting discourse within economic policies, modes of governance, and orders of reason alike (Brown, 2015). It operates globally is but is unsystematic and differentiated among sites where it surfaces. As policy, neoliberalism includes the deregulation of markets, the privatization of social services, attacks on trade union rights, and regressive tax reform among other forms (Carroll and Shaw, 2001), but as a mode of governing, it operates as a “conduct of conduct” and market-based rationality that produces the subjectivity of those in its orbit as homo economicus (Brown, 2015). Brown (2015) suggests that Foucault was “fascinated” with neoliberalism’s “reprogramming” of liberalism, its radical reconfigurations of relations and purposes among state, economy and subject (P.56)—a reference which resonates with the reconfiguration being examined here.

Government’s role reconfigured

Here I want to return to Foucault’s (2004) insights again, but now with the intention of understanding the Canadian state in the context of the market truth, or veridiction of the market, as Foucault put it. After abandoning *raison d’etat*, governmentality became an art of governing along lines of utility above the protection of rights. A state’s governance is more

concerned with the efficacy of its actions in the context of sustaining market competition rather than the demarcation of certain inherent rights to its subjects. Indeed, says Foucault (2004) this reorientation “Does not ask the state what freedom it will leave to the economy, but asks the economy how its freedom can have a state-creating function and role, in the sense that it will really make possible the foundation of the state’s legitimacy?” (p.95). This rings true when we recall the groups’ admonitions that Nations should avoid rights resistance through the courts, suggesting that the path of engagement has the potential to be more fruitful. It provides a “way out” of top-down state control, they say, and a “way in” to the market economy—and hence self-determination. The Canadian government is interpellated as a facilitator of capacity building and a convener of stakeholders to achieve this end.

So it is that state legitimacy is channeled through the purpose of cultivating competition and intervening in markets “just enough” to maintain their functioning. Rather than eclipsing the state altogether, says Brown, “neoliberalism activates the state on behalf of the economy, not to undertake economic functions or to intervene in economic effects, but rather to facilitate economic competition and growth and to economize the social or to regulate society by the market” (p.62). Economic growth thus becomes the baseline of social policy, but its successful generation does not register in an increased pot of social funds that government must disperse—its generation is its own form of teleological reasoning. This has profound implications on the ways in which economized notions of governance are able to empty themselves of social accountability in the name of “good” political practice where business and politics have been separated.

As discussed in chapter three, under the think tanks' logic, colonialism—relegated to the residential school system and the still-in effect Indian Act—is only problematic insofar that it reflects instances of government interventionism and oppressive, top-down policy making which prohibits First Nations from generating capital. Through their calls for governance that separates "business from politics", the groups frame the anticolonial project as one of "getting the government out of the way", and "freedom" is articulated as the ability to develop capital without state limitations. Indeed, recall that for Fraser's main ideologue on this issue, "*The most effective government intervention has been legislation to remove roadblocks and create opportunities that First Nations can exploit under their own initiative*" (Flanagan, 2016, p. ii).

This agenda resonates in recent announcements from the federal government. As a result of its self-government agreement strategy, the Department of Indigenous Services plans to disappear altogether once all nations have been transformed into "Indigenous governments" as recognized by the Canadian state, leaving the task of delivering fiscal transfers in the hands of the Department of Crown-Indigenous and Northern Affairs (CIRNA) (Diablo, 2018). As I will go on to explain, while this transition is touted as a path away from colonizing state power, the decentralized policy landscape it invokes may sustain but obscure similarly coercive state-relations.

While a neoliberal government must intervene to sustain economic competition, it does so indirectly via "organizing actions" that sustain the conditions that make the market possible in

the first place (Foucault, 2004, p.140) These consist of various techniques—training communities with special education targeted for the workforce, for example, or implementing legislation that facilitates economic development and establishing and managing economic institutions. “To the extent that governmental intervention must be light at the level of economic processes themselves, so it must be heavy when it is a matter of this set of technical, scientific, legal, geographic, let’s say, broadly, social factors which now increasingly become the object of governmental intervention” says Foucault (2004, p.141).

According to the groups, the state’s role in reconciliation must amount to its ability to deftly construct organizing actions to manage and facilitate the successful accumulation of capital for Indigenous communities. The state is called on to help fund training in business development and other resource-sector specific skills for Indigenous communities in order to “leverage proponent and indigenous investments in these areas” (Westropp and Decoste, 2017, p.90). Further, the IOG calls on government to support and facilitate the development of Indigenous institutions to further development in communities. The Fiscal Framework announced by the federal government in chapter four illustrates that the IOG’s suggestion falls in line with the government agenda. Rather than setting the terms of recognition through rights, the state’s instruments of reconciliation are granted through “incentivized” policy mechanisms

Again, with colonialism framed as an outcome of top-down government control, the question of current governmental practice becomes one of utility—or “what will create the greatest benefit now?” To the extent that top-down policy apparatuses such as the Indian Act can be

disbanded, and incentivized and “optional” policies put in its place, the question previously assigned to the work of governing (“how will you recognize our rights?”) is recast in the light of a government operating under the verediction of the market, whose internal limit facilitates and legitimates its own depoliticization. Indeed, the question for Foucault (2004) is now “What are the real effects of this exercise of governmentality. Not: what original rights can be found in this governmentality?” (p.15).

The stakes in this reconfiguration of governance are profound: as the state orients itself towards “effectiveness” and away from the subject of right, funding and support is channeled towards sites that bear the greatest potential for competitive advantage. As I will go on to explain, the proponent thus becomes a beacon for state funding, and an indispensable actor in the role of “reconciliation” between the state and Indigenous peoples while Indigenous peoples are responsabilized to demonstrate predetermined forms of governance capacity amidst a terrain of risk.

Homo economicus and reconciliation as responsabilization for Indigenous peoples

Indeed, the state’s role in reconciliation is not the only position on the move. Within a neoliberal governing rationality, subjects within its orbit are recast from the subject of right—homo juridicus—to homo economicus. *Homo economicus*, Brown suggests, can be understood as “financialized human capital, seeking to enhance its value in every domain of life” (Brown in Shenk, 2015). Whereas subjects under economic liberalism are called on to pursue their own

interest while the unintended consequence of the “invisible hand” constructs a common good out of their self-interested behaviour, this narrative is abandoned in the context of neoliberalism. Here, “it is the project of macroeconomic growth and credit enhancement to which neoliberal individuals are tethered and with which their existence as human capital must align if they are to thrive” (Brown, 2015, p.84). In this transformation, the subject of interest has vanished in the face of sacrifice as the responsabilized individual stares down a life replete with risk and potentially violent changes to the economic and ecological climate. Competition to achieve one’s interest has been eclipsed by competition to ensure survival amidst the gutting of social services. In this context, Indigenous self-determination and nationhood become articulated as ideal qualities of *homo economicus*, imbued with the responsibility to calculate the costs and benefits of its actions as capital accumulation is constructed as a stand-in for social policy. Here, the CBoC factors this climate of risk as an incentive for Indigenous communities, and a benefit to industry:

in some cases, an indigenous community’s local conditions can be a driving motivation for its leaders to seek out, negotiate, and sign an MPA. When a community has pressing social needs and gaps in infrastructure funding, for example, the potential to acquire revenues from MPAs can be an attractive prospect. Couple this with the potential for MPAs to create employment and business opportunities for citizens, and an indigenous group can have a broad set of immediate local policy reasons for supporting a project.

(Westropp and Decoste, 2017, p.19)

Left open to the vagaries of global geopolitics, these opportunities are uncertain and time-limited, requiring a nation to make a series of quick-thinking right choices in order to optimize capacity to capitalize on development. As he advises Indigenous communities on how to capitalize on BC's nascent LNG industry, Ken Coates of MLI notes:

Recent experience taught First Nations that resource development opportunities can be fleeting – the promises of one year can quickly become the disappointments of the next. If the LNG economy improves, First Nations will have another chance to carve out a sizeable and, one hopes, profitable place in the industry. But the patterns of the past will have to be replaced with faster, more decisive, and still environmentally protective decision-making that addresses long-term Indigenous aspirations. (Coates, 2017, p. 35)

Brown (2015) notes that *homo economicus* transcends the discretely economic: the economized subject, whose survival is predicated on its ability to strengthen its competitive advantage, uses the terms of market rationality to optimize throughout previously non-monetized spheres such as family, health and education. Indeed, the groups' recommendations for "power through participation" in environmental assessment processes offers a telling articulation of the neoliberalization—and responsabilization—of environmental stewardship.

For example, Indigenous peoples are promised "power through participation" by actively participating in EA regimes. Communities are thus called on to weigh the risks and benefits of participation: it is possible, warns the MLI, that a community who opts out the engagement

process will end up with less say in the design of the project, and may be eclipsed from an ongoing monitoring responsibility over the project in the case that the EA is approved. Here, nations with a “high level” of capacity are rewarded with negotiated roles which themselves offer particular areas of leverage over the project.

But more pervasively still, as the previous chapter outlined, the federal government’s recent moves on self-government agreements indicate that the discourse of “capacity” may become a powerful frontier for recognition politics, as “self-determination” and “self-government” become contingent on a particular variant of entrepreneurial subjectivity in order to be recognized by the Canadian state. As governments are required to surpass a series of bureaucratic and administrative hurdles (institutionally grounded in part by the FMA, for example) as a precondition to this variant of self-determination, a presumably postcolonial relationship is presented as a possibility for those who participate accordingly: As Harold Calla of the FMB quoted:

we need to develop [reserve lands] and in order to develop reserve lands we need access to capital, it is a game changer because not only are we now in a position where we have access to capital infrastructure we’re seen by local governments as an equal member.[..] it is fundamental to developing new relationships with other orders of government. (Calla in The First Nations Financial Management Board History, 2012)

To summarize, when “self-determination” is predicated on capital accumulation and when Indigenous peoples’ are responsabilized to shape their governance systems in order to “be ready” for incoming investment opportunities or environmental assessment processes, Indigenous peoples are responsabilized to prove their ability obtain rights despite government’s insistence that they are inherently present. A bottom line for the responsabilized subject is their subjection within a field of risk and scarcity: Brown (2015) elaborates that “as human capital the subject is at once in charge of itself, responsible for itself, and yet a potentially dispensable element of the whole (p.110). Human capital is, ultimately constrained and conditioned by markets “in both inputs and outputs to comport themselves in ways that will outperform the competition and to align themselves with good assessments of where those markets may be going” (p.109).

The other consequence of responsabilized discourse is its deft ability to broach the concept of “reconciliation” without addressing a Nation’s inherent right to jurisdiction over their traditional territories. As it predicates recognition and jurisdiction on a particular relationship to capital accumulation, responsabilized policy carries out the depoliticization of culture discussed previously, where culture is appended to a capitalist relationship to land and land ownership. In so doing, responsabilization carries out a profound erasure of the myriad relationships to land which Indigeneity envelops, while packaging this erasure in liberal norms of “good governance”.²⁰

²⁰ An acknowledged limitation of this thesis is the absence of an analysis of the relationship between capitalist models of Indigenous governance, state-Indigenous relations, and gender. Kuokannnen (2011), Altamirano-Jimenez (2014) and others have surfaced critical conversations on the ways in which the capitalist relation

Industry's role reconfigured:

Finally, decentralization entails a reconfigured role for industry as it participates in environmental assessment processes and partners with Indigenous communities on resource development projects. Beyond simple engagement processes with an Indigenous community prior to development, the MLI and CBoC suggest that industry should consider approaching community development initiatives well outside of a project's usual scope, such as helping to address issues of housing and water shortages. Industry's requirement, for example, to solicit "meaningful participation" from Indigenous peoples in the environmental assessment process as a precondition to project approval means that industry is increasingly called on to fill in financial gaps that the state leaves bare in terms of capacity funding and training to engage in this "participatory" EA regime.

The same goes for negotiating industry partnerships, as the groups suggest that industry should frame itself as an advocate for the communities they work with, leveraging their power through capital to encourage governments to follow through on their commitments, treaty or otherwise. By actively promoting the recognition of Indigenous rights and attuning itself to Indigenous community's needs, the MLI and CBoC suggest the industry stands a better chance

reinforces gender inequalities, systematically limiting women's political and economic autonomy. As they "pose a serious threat to land-based economies, worldviews and practices" Kuokannen (2011) suggests that market based structures of self-government "definitely do not restore the political and economic autonomy Indigenous women had prior to the historical incorporation into the market economy." (p.290). This omission indicates a site for further research and analysis on the ways in which industry-funded think tanks producing Indigenous-state policy perpetuate patriarchal systems of governance.

of project approval via government regulatory processes, and faces less project risk due to potential resistance to the project from the community.

Again, the argument *for* improved industry engagement is a valid one: if indeed a regime of participation and engagement is facilitating opportunities for Indigenous peoples to generate wealth that targets immediate needs for communities such as infrastructure and drinking water, could my critique of these strategies be imbued with a variant of neocolonialism that denies Indigenous peoples the wealth that has been taken from them since Canada began to invade their territories a few hundred years ago? And, if industry is finally emerging from a long history of ignoring (or worse) the Indigenous peoples whose territories it requires, can its attempts to engage with communities and better comprehend Indigenous cultural practice, language and some of the issues communities face be anything but positive? Perhaps even more fundamentally, if Indigenous peoples are now offered a choice to adopt voluntary policy agendas such as self-government agreements which allow for negotiation and flexibility during the crafting, is this not vastly superior to the state-imposed political systems as set out in the Indian Act?

A necessary challenge in this regime is to avoid black and white distinctions. My critique, therefore, does not come at the expense of recognizing that these developments indicate a movement to address some of colonialism's fundamental symptoms. The fact remains, however, that the power of the state to dispossess—almost always in the interest of industrial development—is maintained amidst this vast tome of policy recommendations that do much to

address some of the symptoms of the problem but fail to address the ultimate root: the obliteration of Indigenous jurisdiction over land. When the standard by which the Canadian government is willing to “recognize” Indigenous self-government is yoked to notions of capital accumulation, recognition is constrained to terms set by the state, ultimately upending the inherent right to self govern which such agreements purport to uphold. But, as this thesis has asserted, the capitalization logic is nothing new: the FNPOA forged a similar link between self-determination and capital, and the think tanks’ use of this strategy backpacks a well-worn politics of recognition that has animated state-Indigenous policy for some time. What *is* new—at least in the Canadian context—is the policy frame of decentralization that multiplies those very sites of recognition. The question is this: is the path out of “dependency” on direct state intervention always tantamount to decolonization? And if not, to what extent has a decentralized policy regime shifted dependency onto corporate capital (and the global financial markets to which they are beholden)? This policy agenda, I have argued, responsabilizes its actors within a regime of neoliberal governmentality whose diffusion of the capitalization logic into growing sites of devolved power imports almost imperceptible and ongoing instances of coercion into its many encounters. Most concerningly, it does so under the guise of freedom and postcolonialism.

This thesis has suggested that governance in the key of neoliberal economics works to eliminate the signs of the dispossession regime by manipulating recognition politics in such a way that the act of forceful dispossession rarely, if ever, needs to take place. By conditioning the terms of recognition through self-government negotiations that demand economized forms of “good

governance”, and participation in environmental assessment regimes which promise limited forms of decision making to those who “participate”, the “problem” of ultimate jurisdiction has ultimately been worked around. The “central ruse” of neoliberal governance, suggests Brown (2015), is that “the neoliberal revolution takes place in the name of freedom—free markets, free countries, free men—but tears up freedom’s grounding in sovereignty for states and subjects alike” (P.108).

Conclusion

This thesis joined Coulthard (2014) and Levien's (2013, 2015) assertions that the colonial relation is one facilitated by land dispossession, and this relation is an ongoing process that sustains the economic and territorial logics that shore up state sovereignty. The last five years has been a remarkably telling moment for land dispossession in Canada: as the state's saccharine adoption of UNDRIP was paired with armed police resistance to Indigenous peoples fighting pipelines on their territories, Trudeau's rhetoric on reconciliation reached an unprecedented depth of hypocrisy.

My emphasis in this investigation was deeply informed by Coulthard (2014) and Levien (2013, 2015) as they make clear that dispossession is not a steady state process. Instead, it is a constantly shifting product of relations and their ideological outcomes—often between state, industry and the peoples whose dispossession they rely on. To rehash Levien's formulation, the distinction between dispossession regimes is characterized by the extent to which they must rely on coercive force to dispossess land, or otherwise draw on "normative and material inducements" to separate people from their land. To identify the difference between the regime of assimilation from the one we are faced with today, we need to unpack the ways that these inducements are being constructed, shaped and manipulated as they respond to the Indigenous resistance which continues to expose the erasure of ultimate jurisdiction at the heart of a seemingly reconciliatory regime. While Levien (2013, 2015) gives us a framing device through his concept of "regimes of dispossession", Coulthard (2014) introduces the contours of the change via a politics of recognition in which a depoliticized articulation of cultural rights is

divorced from any “substantive notion of Indigenous sovereignty or alternative political economies” and recognition of those rights is therefore predicated on their reconciliation with Canadian sovereignty and the capitalism it requires (p. 164).

First, I pointed out that the discourses produced by these groups did not emerge in a vacuum— I traced the discursive roots of Aboriginal economic development from its predecessors in the Harvard Project on Aboriginal Economic Development to its instantiation in Canadian policy discourse via RCAP. I then charted the ways that this discourse has been fed through various government interpretations such as the 1998 report, *Gathering Strength*—written in response to RCAP— and the Harper government’s adage to Aboriginal Economic Development, the *Federal Framework on Aboriginal Economic Development*, written in 2006. I showed that while the Harvard Project and RCAP bore the signs of where the dispossession regime was headed, this policy direction did not emerge in policy flowing from the Canadian state until the FNPOA was tabled. Of note, while the Federal Framework on Aboriginal Economic Development framed the policy agenda on “Indigenous self-reliance”, the term “self-determination”—now an inherent part of the discursive strategy for each of the groups—was notably absent. I suggested that this is not an incidental transformation, but a fundamental reorientation of the discursive strategy through which Aboriginal economic development is packaged.

The FNPOA is notable as an initiative that explicitly yoked nationhood and self-determination to a particular form of capitalist development. As it suggested that private property regimes could align seamlessly with Indigenous cultures writ large, the FNPOA carried out a critical step in

moving towards the dispossession regime's current iteration. What it did not do, however, was integrate the principles of diffuse, decentralized policy which Harvard project foreshadowed. Indeed, Harvard had been cautioning the government along these lines for quite some time. In their 2002 report commissioned by the Assembly of First Nations, Cornell and Kalt noted that

The Canadian government appears to have responded very favorably to Harvard Project findings on the need for good governance in indigenous communities but to have largely ignored Harvard Project findings on the need for indigenous communities to have real jurisdictional power. (Cornell, Jorgenson and Kalt, 2002, p.2)

Indeed, for those in the Harvard project, "practical sovereignty" or control over a nation's own affairs, is the most important building block for economic success in Indigenous communities. By instantiating a one-size-fits all policy apparatus to be applied uniformly across all nations (Treaty and non) the FNPOA broke the code of decentralization and the devolution of jurisdiction which the Harvard claimed as the core imperative. Again, Indigenous resistance throughout Canada to the FNPOA was its ultimate stumbling block, and continues to be a driver of the dispossession regime's new iteration.

A decentralized policy landscape—that which we see emerging from the new Recognition and Implementation of Rights Framework—was forged out of the FNPOA's mistake. Here, calls for a "broad policy commitment" followed by flexible and diffuse extension of various policy mechanisms set the stage for a dispossession regime based on the devolution of jurisdiction

and the responsabilization of subjects to actively manage and perform the conditions of their own survival in a landscape replete with risk and emptied of social security.

For Brown and Foucault, the concept of *governance* is central to our ability to understand what is at stake in neoliberalism's ascendance. Governance under neoliberalism entails a complete reconceptualization of the practice of power and the relationships between the market, state and people. Among its many characteristics—and central to the political terrain I will explore here—it is also propelled into discourse via the sign of the universal and normative “good”.

Governance, says Brown (2015), replaces top-down hierarchies with horizontal networks of stakeholders with common goals, “command and control” for negotiation and persuasion through incentivised policy landscapes, and tension between government and the private sectors with “collaboration and complementarity” where the private sector has become an appendage of a functioning state apparatus playing its respective role. Most fundamentally, suggests Brown, governance reframes the political field as one of management and administration as the governance approaches to social conditions are framed as ‘problem solving,’ “a casting that brackets or eliminates politics, conflict and deliberation about common values or ends” (p.127). These values appear as trans-historical and ultimately depoliticized. Indeed, in the face of their opposites, they can appear as cool-headed approaches to a world of diverse and intersecting interests.

According to Brown (2015) this sleight of hand is carried out by two principal mechanisms: *devolution* (whose meaning in this thesis I have encapsulated by the term “decentralization”) *and responsabilization*. Devolution emerges from neoliberalism’s antipathy to top-down state power. The process of devolution entails unloading large scale problems of economy, environment “down the pipe” to those who have less means to address them. The result is a form of hollow power, often framed as ““decision-making authority” absent, of course, the resources to exercise this ghostly autonomy and sovereignty” (Brown, 2015, p. 132). To be distinguished from a real sense of local empowerment, devolution sets the terms of recognition while devolving authority to a field of scarcity and thus competition via incentivization where individual actors are rewarded for their entrepreneurial action.

We see the process of devolution at work when First Nations are tasked with carrying out environmental monitoring processes and gaining “power through participation” in the EA process. As institutional spaces are constructed for Indigenous peoples to integrate into the regulatory bureaucratic structure, their time and resources are appropriated without any fundamental transfer of ultimate jurisdictional authority. Devolution also crops up in the language of decentralization as the state calls on a diffuse network of actors—provinces and Indigenous institutions—to “negotiate” more equitable jurisdictional relationships via self-government agreements.

Devolution also appears when industry is instantiated as a key actor in “reconciliation” and expected to carry out engagement activities that extend into the terrain of providing social

services. Not only does this knit Indigenous peoples to industry to achieve services otherwise provided by the state, industry lacks the interest, business model, or jurisdictional means to transform the ultimate relationship of dispossession at the heart of the Crown's relationship to Indigenous peoples.

Meanwhile, responsabilization is the "moral burdening" at the end of the pipe. It is one thing to be responsible, says Brown—this is the ethos behind self-awareness, and sovereignty for the self and those who we hold relationships with. It is another to be responsabilized—a co-optation of the human capacity for responsibility where the subject is governed through a "moral injunction through demands emanating from an invisible elsewhere" (p.133).

Responsibilization casts away dependency and "practically negates collective provisioning for existence" as it separates, individualizes and situates the individual actor as entirely self dependent. Responsibilization is manifest when Indigenous peoples are warned to "be ready" for industrial projects by shaping their governance structures to ready an investment-friendly climate for investors. More insidiously still, it is embedded in the regime of "self- government" agreements where the jurisdiction to self-govern is predicated on a series of right moves in order to be recognized by the Crown as a "capable" governing Nation.

The novelty of the current dispossession regime is the way in which these patterns of neoliberal governance are interacting and adopting the discourses of Indigenous resistance to dispossession itself. This phenomenon emerges when policies of devolution knit self-government to nationhood, and public-private partnerships to "reconciliation". Meanwhile,

responsibilization crafts “capacity building” programs structured according to state interests as a process of building “self-determination”. The fundamental basis of this landscape of stand-ins is the erasure of the state’s continued authority over the use of force despite the dispossession regime’s work to eliminate instances where state force would be used. Brown (2015) sums up this strategy, noting that signs of a neoliberal governance appear when:

Stakeholders” replace interest groups or classes, “guidelines” replace law, “facilitation” replaces regulation, “standards” and “codes of conduct” disseminated by a range of agencies and institutions replace overt policing and other forms of coercion. Together, these replacements also vanquish a vocabulary of power, and hence power’s visibility, from the lives and venues that governance organizes and directs. (p. 129)

Brown’s most powerful and cynical argument is that in neoliberal governing rationality, we are witnessing the unprecedented eclipse of homo politicus—the politically active subject—via homo economicus. Indeed, as the MLI recommends that the state and corporate capital act quickly to engage Indigenous peoples in economic development before those at the “forefront of Indigenous anger” (Coates and Crowley, 2013, p.21) can upend “progress”, this quelling of political unrest via the market is taking place in real time.

Again, it is particularly notable that the question of land rarely emerges from think tanks’ policy materials. When it does, land rights are often couched in the notion of revenue sharing, or increasing Indigenous “access” to land for the purposes of resource development. Fraser goes

so far as to note that “enlarging the land base” of First Nations has no impact on a community’s ultimate “wellbeing” (Flanagan, 2016). Meanwhile, the IOG discusses land largely in the context of capital accumulation, adopting RCAP’s recommendations that increasing First Nations’ land base “as central to creating wealth”. This framing finds articulation in recent federal government policy documents such as the “10 Principles” which claims that:

The renewed fiscal relationship will also enable Indigenous peoples to have fair and ongoing access to their lands, territories, and resources to support their traditional economies and to share in the wealth generated from those lands and resources as part of the broader Canadian economy. (“10 Principles”, 2017, p. 5)

Drawing on the work of Coulthard (2014), Atleo (2015, 2018) and others, I want to suggest that land’s erasure from the policy discussion facilitates a dispossession regime built around the policy discourses of decentralization and responsabilization, as stated above. By bracketing land jurisdiction from articulations of culture, the state can claim allegiance to a postcolonial present while holding fast to its capacity to dispossess. As Coulthard (2014) puts it, the “reconciliation of state sovereignty with Indigenous nationhood (never the other way around) is a colonial project as long as it entails the dispossession of Indigenous peoples from their lands and self-determination authority” (p.161).

Again, my intention in this thesis has not been to argue that a particular type of economic development is more or less “appropriate” for Indigenous peoples, nor could I. Rather, this

research seeks to identify the ways that articulations of Indigeneity are being structured through neoliberal governing rationalities in ways that condition relationships to land and the economic implications which flow from them, foreclosing other pathways to Indigenous self-determination in the process. It is also to highlight the ways that these articulations are mobilized through elite networks of state and capital actors largely foreclosed to Indigenous peoples. Drawing on different strategies of policy dissemination, the think tanks in this study help to build a what Fischer (1991) calls a “rolling consensus” through their various avenues of influence as they work towards shared outcomes. For the Fraser, this means that its hard-right policy agenda is delivered to the public via mass media publications, pushing the dial on that which is deemed “acceptable” through its role as a discursive outlier. For the IOG, however, a more moderate tone and well-connected researchers and board members provide avenues to work directly with, and convene, executives in industry, the federal government and the provinces directly shaping government agendas on reconciliation. Each of the think tanks, meanwhile, is funded by corporate capital—and resource extractive capital in particular. Despite their different approaches, common themes of capitalization, decentralization and responsabilization position their activities together in the pursuit of a cohesive policy discourse with brand recognition within state, corporate and public spheres.

My own contention is that settler peoples such as myself cannot be silent in the face of this diffuse but coherent project to sustain and rejuvenate a dispossession regime predicated on the continued eradication of Indigenous jurisdiction over their lands. This also means that we cannot be blind to the many reasons why Indigenous peoples are between a rock and a hard

place in attempting address critical inequalities and assert autonomy and jurisdiction in a dispossession regime ultimately driven by capital and territorial logics to sustain state authority and the capital accumulation that depends on it. Learning how to identify and challenge depoliticizing discourses of “good governance”, “participation” and simplistic calls for anti-interventionism, without disparaging, diminishing or speaking above Indigenous peoples who have necessarily forged context-based relationships with this regime, is imperative. This must take place in tandem with conversations where land and Indigenous jurisdiction over land are acknowledged as the basis of reconciliation, and where Indigenous peoples are able to articulate indigeneity and the culture that informs it on their own terms.

Appendix 1: List of Analyzed Documents

Think tank name	Year	Report name	Authors	Cited
Conference Board of Canada	2017	Finding the Win-Win in Major Project Agreements: Lessons From Indigenous Groups and Industry Proponents	Amos Westropp and Luke DeCoste	Yes
	2017	Options and Opportunities: Resource Revenue Sharing Between the Crown and Indigenous Groups	Pendakaur and Fiser	Yes
The Fraser Institute	2018	Specific Claims and the Well-Being of First Nations	Tom Flanagan	Yes
	2014	Fraser Research Bulletin: A Real Game Changer: An Analysis of the Supreme Court of Canada Tsilhqot'in Nation v. British Columbia Decision	Ravina Bains	No
	2016	The Duty to Consult with Aboriginal Peoples: A Patchwork of Canadian Policies	Ravina Bains and Kayla Ishanian	No
	2015	Clarity and confusion? The new jurisprudence of aboriginal title	Tom Flanagan	Yes
	2013	Studies in Energy Transportation: Opportunities for First Nation prosperity through oil and gas development	Ravina Bains	No
	2016	Why First Nations Succeed	Tom Flanagan	Yes
	2017	Bending the Curve : Recent Developments in Government Spending on First Nations	Tom Flanagan and Taylor Jackson	Yes
The Macdonald-Laurier Institute	2018	Catching the Next Wave: How BC First Nations Can Benefit From Another LNG Boom	Ken Coates	Yes
	2017	Getting the Big Picture: How regional assessment can pave the way for more inclusive and effective environmental assessments	Bram Noble	No
	2017	Political Rhetoric Meets Legal Reality: How to Move Forward on Free, Prior and Informed Consent in Canada	Dwight Newman	Yes
	2016	Learning to Listen: Snapshots of Aboriginal Participation in Environmental Assessment	Bram Noble	Yes
	2015	Sharing the Wealth: How resource revenue agreements can honour treaties, improve communities, and facilitate Canadian development	Ken Coates	Yes
	2013	The Way Out: New Thinking About Aboriginal Engagement and Energy Infrastructure to the West Coast	Brian Lee Crowley and Ken Coates	Yes
	2013	New Beginnings: How Canada's Natural Resource Wealth Could Re-shape Relations with Aboriginal People	Ken Coates and Brian Lee Crowley	Yes
Institute On Governance	2017	Characteristics of a Nation-to-Nation Relationship Dialogue Series: National Summit Report	Marcia Nickerson	Yes
	2017	Characteristics of a Nation-to- Nation Relationship: Discussion Paper	Marcia Nickerson	Yes
	2017	Characteristics of a Nation-to-Nation Relationship: Nation Building and Rebuilding	Marcia Nickerson	Yes
	2017	Characteristics of a Nation-to-Nation Relationship: Wealth Creation	Marcia Nickerson	Yes
	2017	Characteristics of Nation to Nation Relationship: Jurisdiction	Marcia Nickerson	Yes
	2017	Characteristics of a Nation-to-Nation Relationship: Nation Building and Rebuilding	Marcia Nickerson	Yes

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