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### The Complexity of Indigenous Identity Formation and Politics in Canada: Self-Determination and Decolonisation

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#### Abstract

Identity politics have been especially prominent in Canadian political discourse since the hegemonic white Anglophone identity was challenged in the 1970s. However, indigenous identity and nationalism have not received the same attention. In the politics of federalism and constitutional amendment, the contestation of the dominant view of Canada and the advancement of citizen and community identities, rather than provincial identity, was met with bemusement by the gatekeepers of Canadian federal and constitutional processes. In this article I trace some of the complexity of the formation and mobilization of Aboriginal identities in the Canadian context, to raise some theoretical and political problems and possibilities that attend to self determination and decolonisation.

#### Introduction

Staged on the terrain of the federal constitutional structure, identity politics have played a large part in the Canadian political conversation since Quebecois nationalism forced itself into the Canadian consciousness in the 1970s. The jurisdictional distribution of powers between the national and the provincial governments originates in the *British North America Act 1867*. During the late 20<sup>th</sup> century, constitutional politics preoccupied Canadian political elites, culminating in the “patriation”<sup>1</sup> of the *British North America Act 1867* (now renamed the *Constitution Act 1867*) and the inclusion of the *Constitution Act 1982* and the *Charter of Rights and Freedoms 1982*. Canada’s federal structure meant that federal and provincial governments (or rather, the “First Ministers” thereof) had to negotiate the conditions for patriation and the new constitutional instruments by achieving a “substantial consensus”. The politicking of the First Ministers was focused on French-English cleavages and on the dynamics of federalism. The emergence of citizen and movement politics, notably Aboriginal and women’s organizations, prioritized a rights discourse and a focus on citizens rather than on governments<sup>1</sup>.

Aboriginal peoples and issues were viewed as insignificant by the First Ministers and their parties and yet, in all of these political transactions, Aboriginal organizations forced their issues onto the national agenda. The National Indian Brotherhood (later the Assembly of First Nations), the Metis National Council, the Inuit Tapirisat, the Native Women’s Association of Canada, and the Native Council of Canada (later the Congress of Aboriginal Peoples) claimed to represent the interests of various communities of Aboriginal peoples. They argued that constitutional transformation had to take account of the outstanding claims of Aboriginal peoples. The majority of these claims were captured under the banner of “self-government”, and some were also advanced under anti-colonial, human rights and equality claims (J.Green 2007). The claims were for political autonomy, economic autonomy, equality, human rights, a pre-eminent place at the Canadian federal and constitutional table and for the recognition and implementation of aboriginal and treaty rights. The vast majority of Aboriginal political interventions were framed as demands for recognition and restitution by the state for its colonial predations on Aboriginal lands, economies, and cultures. These demands were not often framed as ceding from the state, but as a wish for honourable and equitable inclusion within it<sup>1</sup>. In this article I outline the complexity of the formation and mobilization of Aboriginal identities in the Canadian context to raise some theoretical and political problems and possibilities that attend to self determination and decolonisation.

## Originating identities

Aboriginal identities are simultaneously the products and the creators of authentic culturally and historically located experiences framing resistance against the occupying force of the settler state, which has always sought to assimilate or incorporate indigenous difference into the dominant body politic. Identity is both creative and reactive: given the reality of colonialism, indigenous identities draw on history and tradition, but also incorporate forms of resistance to oppression, and finally, incorporate the dialectics between imposition, resistance and incorporation (Fanon 1961; Memmi 1957; Said 1977). Identity is never “pure,” uncontaminated by the racist imposition of colonialism. It is always a response to culture, politics, and the particularities of communities’ histories. What indigenous identities are now are a consequence of pre-existing factors and colonising processes and conditions. Identity is complicated by the multiple cultural and political influences internalized by individuals and shared across communities.

Identity does not emerge from a single set of ancestral genes, origins, or practices, though politics often privileges one account of ancestry and tradition over others. The realities of hybridity and syncretic cultural formations challenge essentialist and racialized accounts of national origins and cultural authenticity, requiring a more nuanced understanding of histories and cultures (Said 1979, 1994). Chris Weedon states that “history matters. It is important both to our sense of who we are and to our understanding of the present. The voices that count in the telling of history shape the narratives and the perspectives from which both past and present are understood” (2004, 29). Personal identity depends on how one is positioned in a community or communities – or excluded from them (S. Green 2007; LaRocque 2007; *Mclvor v. Canada* 2009).

Collective identity is derived from historical, cultural and political experience, and there is much pressure and expectation that it should, nay must, be historically and traditionally framed. This is evident in the calls by some indigenous intellectuals for a return to a cultural or traditional framework as an act of resistance and a measure of authenticity (for example, Taiaiake Alfred 1999, 80-88; 2005). Smith, too, identifies the power of ‘belief in an authentic self ... (by appealing to) an idealized past when there was no colonizer ... to our authentic selves as a people’ (2001, 73).

Colonial law also deploys the idea of tradition to negate Aboriginal contestation. Consider Supreme Court of Canada rulings such as *R v. Van der Peet* (1996) that tie certain rights claims by contemporary indigenous peoples to proof of cultural practices which pre-date colonial contact (but see also Borrows 2002, 56-76; Slattery 2007a). The SCC approach locates authentic identity in historic traditions, as though there was an historic moment at which tradition was absolutely authoritative of cultural practices both *then* and *now*.

Anna Hunter and Richard Falk invoke the centrality of tradition to Aboriginal identity and rights claims including the right to self-determination (which includes the more anaemic “self-government”) and to particular political outcomes. Hunter (2003, 32) argues that ‘Aboriginal people generally approach politics informed by their traditional values, ceremonies, and the teachings of elders and other respected leaders (and) Aboriginal people use a different set of benchmarks to measure policy success: the will to sustain Aboriginal languages, cultures and traditions’. Similarly, Falk writes: ‘Indigenous peoples, seeking to have the right to a separate existence based on their traditional patterns of organization and governance... insist that the traditionalist alternative be legitimized, and to the extent necessary, safeguarded’ (2000, 51). These traditions are invoked in contradistinction to the liberal market and consumer values assumed to be universal by the apostles of neoliberalism and modernization. The framing of these values in the language of collective human rights and self-determination has produced what Falk calls ‘the first truly intercivilizational critique of the prevailing human rights discourse and its world order implications’ (2000, 151; see also Stewart-Harawira 2005, 124-144; 2007).

Identity, shaped by personal and collective history, belongs to contemporary peoples; and rights are claimed under contemporary conditions in which cultural practices are always contested and in flux (Borrows 2002, LaRocque 1997, 2001). Cultural or legal formulas that measure authentic identity according to earlier regimes effectively freeze culture in time, as though it were dead. Identity is contextualized by culture, nationalism, and collective experiences of self-determination or subordination. Consequently, identity is political and politicized: it is a site of resistance to colonial domination, and, to the extent that identity is policed by a cadre of arbiters of authenticity, a tool for the legitimation, domination, and exclusion of others within particular cultural communities (Green 2004).

Identity is something that we struggle against while it simultaneously provides us with the ground on which we resist. There is never a moment of pure, undiluted and uncontaminated cultural authenticity because identity and culture exist at specific moments which reflect historical, social, and political influences (Eikjok 2007; Hansen 2004; Kuokkanen 2007; Weedon 2004).

Colonized Aboriginal nations are now also drawn into the framework, no matter how peripherally, of globalized consumer culture (most powerfully pedalled through the mass media) and its neoliberal ideology. Those who theorise or struggle for decolonisation seek space for cultural revitalization and for authentic traditional and contemporary political and cultural expression. The influences framed by mass media, globalized capitalism, identity and nationalist claims, and the hegemony of the state also shape indigenous minds and options, although less unilaterally than for the dominant culture (Smith 2001, 99; Green 2003; Stewart-Harawira 2005, 114-44). Still, the possibility exists for indigenous contestation of state oppression and of globalization, in which the objective is not simply insertion into the monoculture of the state and the capitalist economy. If that possibility exists, it does so only because of the healthy, compelling cultural ethos and identity offered by contemporary Aboriginal cultures as alternatives to the dominant option.

### **Identity formation via philosophies and traditions**

While indigenous cultures are diverse and are affected by different historical experiences with colonialism, scholars generally agree that there are core cultural commonalities that emerge as a consequence of particular political economies and world-views of land-based cultures (Stewart-Harawira 2005, 32-55; Kuokkanen 2007). Most profoundly, indigenous philosophical differences from Western liberal philosophies relate to how land is viewed. As Sioux scholar Vine Deloria Jr. explained decades ago, the reality of the land is inextricable from indigenous world-views: "American Indians hold their lands -- places -- as having the highest possible meaning, and all their statements are made with this reference point in mind" (Deloria 1973, 75; see also Berger 1985; Kuokkanen 2007; Ladner 2005, 938; Smith 2001, 99; Stewart-Harawira 2005, 136-37). And it is in their assault on the land, by colonial appropriation and by capitalist exploitation, that colonial and settler states and their corporate clients also fundamentally assault indigenous identity (Stewart-Harawira 2005, 35-37, 133). Similarly, Lawrence takes the view that colonialism's assaults on indigenous knowledge are implicit in legislative regulation of indigenous relationships with land, and hence, of cultural and identity formation and transmission (2004, 37-44).

Traditional indigenous views of land are inimical to capitalism and its construction of land as a resource to be owned, developed, exploited, and profited from. The tension between these views and the imperatives of incorporation into the capitalist economic order may be seen in struggles within indigenous communities, governments, and organizations; and in struggles between indigenous communities and the settler state, acting for a "development" (that is, a capitalist) agenda.

The primacy of traditional indigenous relationship with the land produces ecologically conscious approaches and attitudes toward traditional territories, and very detailed and intimate knowledge of the terrain and of its many species inhabitants. This knowledge is encoded in traditional practices and stories, and forms the basis of what is recently acknowledged in universities as the scholarship of Indigenous Knowledge (see also Stewart-Harawira 2005, 35-37; 115-16). This land-based perspective is implicit in the Beijing Declaration of Indigenous Women (1995), which asserts: "The Earth is our mother. From her we get our life, and our ability to live. ... (W)e continue to protect, transmit, and develop our Indigenous cosmovision, our science and technologies, our arts and culture, and our Indigenous socio-political economic systems, which are in harmony with the natural laws of mother earth". This community-land relationship is quite different from the private property concept that frames individual ownership of land by Canadian citizens, subject to the radical title always held by the Crown.

Indeed, territory is integral to Aboriginal identities. Patrick Macklem explains: "To speak of property is to speak primarily of ownership. Territory signifies a space to which individuals experience an attachment that partly constitutes their identification with a broader social and political collectivity" (2001, 103). In other words, territory is linked to identity in community inter-generationally, economically, and culturally and is not encompassed by the concept of property.

Indigenous philosophies contain a prevailing notion of the relationship of human beings with other species beings, rather than the hierarchical model suggested, for example, by the Genesis myth that places Man at the pinnacle of a creation that is made for his benefit and domination. In indigenous cosmologies, the Creator is understood to be *of* and *for* all elements of creation: the theologies and other myths of indigenous peoples reflect and reaffirm this primary relationship within territories and ecosystems (Smith 2001, 73; 105; Blood and Chambers 2009). The structures of land-based societies also produce social pressures favouring internal conflict minimization and the honouring of relationships. And the majority of indigenous cultures reference space or place in matters of philosophy (Deloria 1973, 76). When indigenous peoples from around the world get together, for example at international conferences, there is mutual recognition of these shared values, which transcend cultural and historical differences and geographical spaces.

These distinctive ways of looking at the world and understanding individual and community relationships to particular parts of it are characteristic of Aboriginal philosophies, traditions, and hence, of identities. It is the tie to land that informs the core of Aboriginal cultures and identities. This becomes the touchstone that references indigeneity in the world of 21st century globalized culture, in a world that is not yet post-colonial. The terrain on which decolonization struggles occur is the land and the relationship with the land.<sup>1</sup> And the methodology of this is perpetually being worked out – the practice of being, simultaneously, located and authentic in all facets of one’s existence while maintaining a primary identity originating in shared historical contexts and commitments to a vision of a shared, culturally authentic and politically coherent future. In identifying this path – or these paths – tradition has taken on the character of a holy grail: always before and behind us, and always to be sought. It “is both a function of and a source of identity ... [and is] one of the most powerful agents of resistance in post-colonial societies” (Ashcroft and Ahluwalia 1999, 90).

Tradition, virtually definitive in framing culture and cultural practices, has seldom been investigated for its less liberatory impulses. But for marginalized and subordinated sectors of any society, tradition has also been the authority for oppression. Culture, then, is both formative of identity, and a set of practices which must be contestable if oppressive social practices are to be challenged (Weedon 2000, 118-120; 2004, 115; Green 2004; 2007).

Authenticity, though, was not historically static nor uncontested or “pure”: cultural evolution and syncretism did not begin with colonialism. What did begin with colonial bureaucratization of racist formulations of indigenous identity was the notion that it was pure, though primitive, prior to colonial contact. Subsequently, indigenous identity was contaminated by “contact” and was en route to civilization via assimilation. A neat trick: “pure” identity, usually constructed in racial and racist terms, connoted an uncivilized state requiring the civilizing influence of colonial management. Aboriginal and treaty rights were legally framed as emerging from the “pure” moment, losing their power and urgency as those invoking them demonstrated they were also part of modernity. One could not win. Aboriginal peoples were constructed as either too primitive to be sovereign, or too contemporary to legitimately claim Aboriginal and treaty rights against the colonial state. Again, identity is contested terrain – from what it is, to who says, to who has it, and for what purposes. For Aboriginal people, identity became prime terrain for resistance to colonial domination and genocide and thus, identity became hyper-politicized. For the settler state, identity was something to homogenize: Aboriginal identities were politically and legally deployed against the state’s legitimacy and sovereignty, and racist, sexist, imposed categories of identity such as *Indian Act* “status” were deployed to limit and erase the category from whence those claims emanated.

The problematic of how indigenous nations can decolonize, while remaining faithful to the values of their particular national identities and cultures, is a difficult one. It is structured by the conditions of *de facto* settler occupation of traditional territories, and by the existing and preferred political economies of indigenous communities which are often (but not always) opposed to the marauding capitalism characteristic of the settler states. And it is affected by the powerful, invasive, and seductive assimilative impulses in globalized capitalism, consumerism, and pop culture, that are the cultural norm for most youth. Decolonization, then, is a process rather than a destination; it involves individual agency, collective self-determination, and political choices framed by history and by normative visions of contemporary, cultural authenticity.

## Tracing identity politics

The category *indigenous* or *Aboriginal* is not a specific cultural or an identity location: it signifies an historico-political relationship. Indigenous peoples generally share similar experiences of colonialism, despite different expressions of it among the settler states and despite specific indigenous cultures. The terms that make Aboriginality relevant arise only in conditions of colonial occupation, in relation to those who colonize, settle, and appropriate the territory of indigenous nations. This was acknowledged in the United Nations Draft Declaration on the Rights of Indigenous Peoples, where indigenous is defined as anteriority to the colonizing populations and contemporary political non-dominance in the settler state (Anaya 2000, Green 2004). (The 2009 Declaration on the Rights of Indigenous Peoples (DRIP) is not identical to the Draft.)

The enduring identity that indigenous peoples seek to maintain or re-create, and to transmit inter-generationally, is the specific cultural identity of particular socio-political communities. These identities are characterized by a 'stable core' (Alfred 1999) but are also shaped syncretically by all of the influences brought to bear on them at particular historical moments. As Borrows (2000) says, Aboriginal peoples are 'traditional, modern, and post-modern', and so are their identities. These are identities that did not begin at the moment of colonization nor end one moment before. For example, "Indians" have a shared consciousness of colonial oppression in Canada, but only members of the Ktunaxa nation have Ktunaxa identity, connected to the territory and seek to practice it and to transmit it intergenerationally in ways that are both faithful to the values encoded in tradition and that are responsive to the conditions of modernity. A common mistake of liberalism is to conflate the two positions –indigeneity and particular community – and to consider both identically, apolitically, and ahistorically, as identity. Hence, terms like *Indian* or *native* are macro-categories created by the colonial imagination without reference to actual communities or nations of Aboriginal people.

Nor is indigenous identity only personal, though individuals experience identity personally. Individuals are utterly contextualized by community, and by community practices and acceptance (Deloria 1973, 201). This analysis is opposed to the atomistic individualism of neoliberalism, exemplified by former British Prime Minister Margaret Thatcher's famous opinion that there is no society, merely individuals. The neoliberalism she shared with so many contemporary governments assumes aggregates of self-interested individuals devoid of community or cultural commitment.

Community is necessary for identity: healthy communities with intact social practices and traditions produce healthy individual identities. This is why the fundamental human right to enjoy one's culture in community is guaranteed in section 27 of the *International Covenant on Civil and Political Rights*, to which Canada is signatory. This is far more substantial than the pallid "beads and feathers" or "dance, diet and dress" versions of multicultural inclusion. Without meaningful community connection and community recognition, Aboriginal identities become objectified rather than practiced, ossified rather than revitalized. Individuals are deprived of the context for healthy self-identity as well as for cultural community<sup>ii</sup>

Identity also includes an element of agency, the choice of individuals in favour of community, of "identification-with" (Weedon 2004, 19-20; Yurick 1995, 205). The Royal Commission on Aboriginal Peoples *Report* explains that Aboriginal cultural identity is not a single element, but rather is a "state of being that involves being wanted, being comfortable, being a part of something bigger than oneself" (RCAP Vol.4 1996, 524). This aspect of individual meaning deriving from collective identity is fundamental both to the concept of identity and to the significance of what it means to be Aboriginal: it is a relational notion and its practice requires shared culture and community. Identity includes both "continuity over time, and differentiation from others" (Guibernau, 1996, 72); it is stable even while it evolves; it infers boundaries that distinguish *this* community from the *other*. Identity is also an act of political agency, of political will, and thus, identity is performed "by acts of self-representation that are always essentially political" (Ashcroft and Ahluwalia 1999, 12-13). Identity, like history, emerges from the "transforming power of stories" (Williams 1995, 200) and thus is an intergenerational expression of and a creator of culture.

In the Canadian Constitution, the category *Aboriginal* includes the Indian, Inuit and Metis peoples. The language of the Constitution, then, points to recognition by the state of the fact of the colonized relationship and to those peoples who were colonized.

This constitutional recognition is of aboriginality, according to the three categories which have largely been imposed by colonial bureaucracies and which have little to do with how the many Aboriginal peoples understand themselves. Indian Act-defined Indians are actually Kainai, Ktunaxa, Cree, and so on: the Metis are in the process of determining what exactly comprises Metis-ness – and who decides. The categories of recognition are also liabilities, imposing definitional and boundary-maintenance requirements for the primary benefit of an external authority who will recognize the categories as rights-bearing. Thus, many who identify with specific Aboriginal communities are *de jure* and *de facto* excluded from them – suffering psychological wounds and violations of their human rights in the process<sup>iii</sup>.

Identity is confirmed in community: while individuals may have a consciousness of identity, it is not only an individual attribute but one that takes its meaning from recognition by and practice in community. In Canada, Aboriginal peoples have been subject to colonial *diktat* about what it means to be Aboriginal – always relative to the authoritative arbiters of knowledge in colonial academies, bureaucracies, governments, mass media, and law. The authority for determining the components of particular indigenous identity and, therefore, of national membership/citizenship, must vest in the community itself. This is profoundly an element of the human right of self-determination, confirmed in Article 33 of the *Declaration on the Rights of Indigenous Peoples* as a right.

Self-definition, membership, or citizenship regimes are crucial, not only because they are exercises in self-determination and boundary maintenance, but because they also establish the community of rights-bearers with claims against the nation, community, or state. Those who are not recognized are denied access to entitlements of status; perhaps more importantly, they are denied meaningful recognition of identity. This exclusion is especially problematic for those who identify with a minority community but find themselves excluded, exiled into a majority that is historically oppressive and at best, oblivious; at worst, racist, toward Aboriginal people (J.Green 2007; McIvor with Kuokkanen 2007). In Canada, Indian women and their children, stripped of status and rights and recognition by the pre-1985 *Indian Act*, have suffered from that exile.

Culture and the existence of a bounded community of identity are essential for self-determination even though there is no single “community” that speaks with one voice, not the dominated nor the dominant. There are communities often at odds with one another and more seriously there are community factions with competing visions and interests. Identity, belonging and membership has been a coin withheld from some in the process of political positioning by others and that is precisely why determinations of identity that have immediate politico-material consequences must be governed by standardized, transparent formulas that are subject to appeal, and further to Article 46 of the *Declaration on the Rights of Indigenous Peoples*, are subjected to human rights standards.

The power to determine identity or membership should not be used in ways that violate fundamental human rights, including, tautologically, the right to culture in community; that is, the right to one’s identity. Indigenous nations and communities are also bound by the international human rights standards that they have invoked in struggles against colonialism (J. Green 2001; 2007)<sup>iv</sup>. Article 46 of the DRIP links the exercise of indigenous rights to human rights and fundamental freedoms and to democratic society. Decolonization is linked uneasily to liberalism through human rights discourse, and the crucible of contested discourse produces a new set of analytical tools, the emerging shape of post-liberal and post-colonial theories.

The power of and over identity in community and thus, membership, and over the authoritative interpretation of culture, is a challenge for decolonizing communities. In the context of struggle, there are competing views of identity and history, of meaning, of culture, and of authority. Not only is identity fluid, but it is manufactured as well as experienced in the forge of the political process of constructing consensus through mythic, political, and theoretical means.

Identity emerges from culture in historical context and thus is linked to politics. Collective experiences are shaped and understood by culture and by the stories by which we remember our experiences and interpret our histories. Individuals understand themselves in relation to these collective experiences and imaginings, forming their sense of identity from these foundational psycho-social, political and material realities. Nor is culture reducible to a list of attributes on some anthropological checklist: it involves processes that respond to change over time, while transmitting core myths and values that place individuals in meaningful context (Weedon 2004:115; LaRocque 1997).

Identity is a consequence of culture, and culture itself is a right of both individuals and communities. Culture is of interest to human rights law, and is conceptualized as part of a cluster of international norms framing indigenous peoples' rights to self-determination. Through this set of norms, identity and culture are linked to self-determination, itself a fundamental human right and a right of peoples (Anaya 2000, 97-109). Identity, then, is fraught with the politics within indigenous communities because the recognition of particular identity both legitimates the individual in relationship to community, and is affirmation of political analyses and agendas. Similarly, denial of recognition is a form of exclusion that goes beyond merely personal relationships: it has political and material consequences. It can mean exclusion, ostracization, and marginalization. Those who are rejected have few or no alternative communities in which to enjoy their cultures or affirm and transmit their identities – they are erased.

Yet, it is not the violation of human rights of indigenous persons by indigenous citizenship regimes that is the primary threat to indigenous peoples' human rights. That prize goes to the settler state, which has throughout its history barred whole categories of people from full citizenship through what Sherene Razack calls the "racialized structure of citizenship" (2002, 5). To now present the conditions for, and status of, citizenship as neutral is to dodge the entire history of the settler state, which is racist, sexist, and imbued with class preferences.

Identity is a politicized frame of reference. Its deployment in the service of politics can lead to essentialism, leading to intra-group contestations over who is real and which practices are authentic. Smith warns: "These debates are designed to fragment and marginalize those who speak for, or in support of, indigenous issues. They frequently also have the effect of silencing and making invisible the presence of other groups within the indigenous society like women" (1999, 72). And it is because of the potential for oppression of marginalized sectors of all societies that transparency and human rights standards are urgently required in collective administration of these identities.

Nationalism and identity fuse in the crucible of a shared political vision. Culture can (although it does not always) morph into nationalism, a political self-consciousness that seeks measures of self-determination for the community of identification. Said warns that culture can be associated with the nation or state in xenophobic ways; this becomes a source of identity, sometimes characterized by 'returns' to culture and tradition that assert problematic codes of intellectual and moral behaviour (Said 1994, xiii; also see Green 2004). Some Aboriginal communities have taken up the language and ideology of nationalism to promote politically significant indigenous identities in relation to the colonial state. Again, this draws on the motif of relationship. Political community grounded in a cultural framework is always a selective and mythic project, in the process of which particular practices, symbols, and historical narratives become emblematic while others are ignored. All political cultures emerge from power relations and contestations. Canadian political culture, all Mounties, hockey moms and maple leaves, is a fine example of this process of selective construction and erasure.

Nationalism emerges as the political programme of a community which understands itself through a cultural and historical narrative in opposition to others, and consolidates "collective as well as individual identity" (Guibernau 1996, 74). This nationalism is a culturally bounded expression of self-determination, a fundamental human right. It is a right that challenges the way in which the Canadian state came to hold sovereignty over its current territory, against the indigenous nations that held it originally. Canadian sovereignty came through the legal incantation of an "always, already" primary Crown sovereignty and the concomitant construction of indigenous peoples as incapable of holding sovereignty, by virtue of cultural, moral, political, and racial incapacities, codified everywhere by "the legitimating ideologies of Western political thought" (Stewart-Harawira 2005, 115). Consequently, the mainstream historical reading of Canada's appropriation of others' sovereignty suggests it was an inevitable and natural part of political progress. As Michael Asch notes, "Canada still has no conceptual frame other than assimilation to explain how it asserted absolute sovereignty and jurisdiction over indigenous peoples and their territories without their consent" (Asch 1999, 441)<sup>v</sup>.

Self-determination is a challenge to "the monopoly of power" settler states exercise over indigenous communities (Williams 1995, 149). It implies a challenge to the sovereignty that settler states have appropriated from indigenous nations, even though self-determination does not require transformation to statehood. Self-determination is a human right of peoples linking the colonized and the colonizers through the most libratory of liberal tools. Anaya writes that "self-determination entails a universe of human rights precepts" which requires that "the governing institutional order be substantially the creation of processes guided by the will of the people, or peoples, governed ... under which people may live and

develop freely on a continuous basis” (2000, 81). Self-determination requires democratic mechanisms and practices as well as an absence of the political fundamentalisms that inhibit cultural development and practice. It requires cultural authenticity and vibrancy, without the rigidity that restricts cultural transformation and can lead to human rights violations.

## Conclusion

Identity is the *raison d'être* for the politics of decolonization: identity as Aboriginal resistance to colonialism, by Aboriginal communities that are claimants of rights through international and Canadian constitutional law. Identity is an expression of one's location in inter-generational histories and relationships. It is thus political in relation to those who would erase it, or its incidents: identity is framed by power, privilege, and rights. Similarly, what it means to be Canadian is simultaneously particular -- framed by regional and community histories, political economies, and cultures, yet also part of the macro-citizenship and identity category *Canadian*. This identity-in-community; this location of the person and the personal in historico-cultural context; drives the impulse toward decolonization and toward new identities in the context of a decolonizing settler state. What it means to be Metis, Ktunaxa, Quebécois, Saskatchewanian, Canadian and so on, is always in transition between past and present. The present arises from what have been deeply problematic historical and contemporary power relations and this is reflected in our identities.

Decolonization requires that the colonizer changes foundational assumptions about state legitimacy and the acquisition of sovereignty. This in turn requires advocates of decolonization to provide both a compelling theoretical critique of the legal, political, and cultural status quo and more compelling alternatives that would result in genuine transformation accommodating indigenous self-determination. But equally, decolonization means that the settler state must change. In the Canadian context it means, for example, the authority to set the parameters of the conversation about what this means cannot vest only with the intellectual and political settler elites who so unselfconsciously have appropriated that authority to date. The flavour of nationalism must change to include the objective of decolonization. What it means to be Canadian will then include all of our histories to date, and the value and objective of decolonization. The result will challenge the dominant political culture and may redefine the political economy of a settler state firmly squatted on Aboriginal territories and resources.

Indigenous nationalisms have also had, and have, as part of their project, the development of political cultures. Contemporarily, that includes indigenous opposition to the Canadian state; a commitment to indigenous cultures, languages, political and social forms; and a demand for the full panoply of rights accorded peoples and nations in international law. Nationalism is linked to culture through its political programme for a positive future for particular communities, in which membership includes a cultural affiliation with some kind of narrative of a common past (Guibernau, 1996, 72-84). Thus, Aboriginal nationalism is not only resistance but also the process of collective identity formation in the service of a collective, cohesive political project. Indigenous identities function as resistance to the brutalization of colonialism, and as affirmation of specific cultural values. Like all peoples, indigenous nations will have to walk the fine line between positive affirmation and xenophobia, between cultural maintenance, revitalization and oppressive fundamentalism. The positive potential is worth the difficulties that will attend finding this path.

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<sup>v</sup> The *British North America Act 1867*, the primary written component of the Canadian constitution prior to 1982, contained no amending formula and thus, Canadian governments had to ask the British parliament to amend the Canadian constitution. While the imagery is of a physical return of a magical document, "patriation" refers to the assumption by Canada of the responsibility for amendment, by drafting a set of amending formulae in a new constitutional document, the *Constitution Act 1982*. The first act of domestic amendment was the adoption of the *Constitution Act 1982* and the *Charter of Rights and Freedoms*.

<sup>v</sup> In Canada the term "Aboriginal" refers to the three recognized categories of indigenous peoples: Indians, Inuit, and Metis. In this article I use both the terms Aboriginal (the Canadian norm) and indigenous (the international norm).

<sup>v</sup> The interested reader may wish to consult a range of literature of the era, including George Manuel and Michael Posluns *The Fourth World* (1974); Harold Cardinal, *The Unjust Society* (1969), *The Rebirth of Canada's Indians* (1977); Sally Weaver, *The Making of Canadian Indian Policy* (1981); Bryan Schwartz, *First Principles, Second Thoughts: Aboriginal Peoples, Constitutional Reform and Canadian Statecraft* (1986) and Michael Asch, *Home and Native Land: Aboriginal Rights and the Canadian Constitution* (1984).

<sup>v</sup> Yet this does not obviate the fact that there is a cadre of Aboriginal capitalists which is complicit in the practices of predatory capitalism, including the violation of workers' rights and of environmental priorities.

<sup>v</sup> As argued by Sharon McIvor in her eponymous case (2009).

<sup>v</sup> Their plight is a violation of Article 9 of the Declaration on the Rights of Indigenous Peoples – the right of indigenous peoples and individuals to belong to an indigenous community or nations.

<sup>v</sup> While human rights emerged from liberal ideologies and have been seen as part of the panoply of western imperialism, they are also liberatory and have been invoked by oppressed individuals and communities around the world. Arguably human rights have taken on the character of a universalist claim, thus the expectations that all governments will respect the human rights of their peoples. For more on this, readers are referred to S. James Anaya, *Indigenous Rights in International Law* and Richard Falk, *Human Rights Horizons*. My own views on this are indicated in "Toward Conceptual Precision: Citizenship and Rights Talk for Aboriginal Canadians" in *Insiders and Outsiders: Alan Cairns and the Reshaping of Canadian Citizenship* (Gerald Kernerman and Philip Resnick, eds.) Vancouver: UBC Press 2005.

<sup>v</sup> See also Sunera Thobani, *Exalted Subjects: Studies in the Making of Race and Nation in Canada*. Toronto: University of Toronto Press 2007; and John Ralston Saul, *A Fair Country: Telling Truths About Canada*. Penguin 2008.