Carleton University

Department of Law and Legal Studies

Course Outline

COURSE: LAWS 4903B – Advanced Legal Topics: Indigenous Relations,

Ethics and Law

TERM: Fall 2021

PREREQUISITES: LAWS 2908 and fourth year standing

CLASS: Day & Thursday 11:30 – 14:30

Time:

Room: This course is offered online.

Seminars will be delivered in live online sessions using the Zoom conferencing platform during our regularly scheduled class time. In the event that a class is cancelled, a pre-recorded video and alternative

assessments will be made in lieu of a live synchronous

seminar.

INSTRUCTOR: Professor Danika Billie Littlechild

CONTACT: Office: Via Zoom Platform Only

Office Hrs: Wednesday 13:00 – 15:00 on Zoom or by appointment. Zoom

link for Office Hours will be provided on Brightspace

Telephone: To be provided

Email: danikalittlechild@cunet.carleton.ca

CALENDAR COURSE DESCRIPTION

The topics of this course vary from year to year and are announced in advance of registration.

COURSE DESCRIPTION

What is decolonization in the context of relationships, ethics, and law? How should we understand themes of resistance, justice, reconciliation, resurgence, solidarity, dialogue and relationship-building between and amongst Indigenous and non-Indigenous Peoples? This seminar will focus on the various intersections of relations, relationality, ethics and law between and amongst Indigenous Peoples, non-Indigenous Peoples and the natural world. We will deeply consider Indigenous systems of knowledge, law, ethics, custom, culture and practice

along with dominant systems in Canada and internationally. The course will offer a view of legal and relational frameworks, including Ethical Space and Two-Eyed Seeing, that facilitate an understanding of the praxis of transformative relations.

REQUIRED TEXTS

There is no required text for this course. All readings and preparatory materials will be provided via hyperlink, Brightspace or available at MacOdrum Library. This course will draw on both written and oral/verbal materials in accordance with the various and diverse Indigenous and non-Indigenous systems and approaches we will cover in the course. Students may therefore be asked to watch videos or listen to audio files in addition to readings for class preparation.

SUPPLEMENTARY TEXTS

None.

EVALUATION

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

As our course is based on class discussions, in each class the professor will introduce topics, issues and central questions for discussion. This will be followed by students' reading presentations. In every session, at least two students will discuss the readings under the guidance of the professor. The discussions will provide student reflections, illustrations, and critiques of the readings. This will hopefully contribute to engaged discussion.

Student engagement is important for the success of the course. Given the seminar setting of the course, our collaborative learning will be contingent on everyone's active involvement and contributions.

As such, it is important that you be present during the class, have your camera on as much as possible, and do your best to contribute to the dialogue and discussion, whether verbal or written. Your participation will not only be assessed on how much you speak / post, but also on the quality of your engagement, the thoughtfulness of your response, respectful listening and commitment to creating a safe learning environment in which everyone feels valued and respected.

In addition to participation in regular class hours for synchronous sessions via Zoom, the format of the course will be a mix of Student Reading Presentations, four (4) Reading Reflections and a

Research Paper to be completed by each student over the term. Each student will also participate in a one-on-one meeting with the professor.

One-on-One Meeting (Virtual/Online via Zoom or similar platform)

The purpose of this online/virtual meeting is to replace in-person interactions that would naturally occur if the course were offered in person.

During this meeting, we will get to know each other a bit more, discuss progress and engagement in the course, speak about preparation for the final paper, or talk about other topics related to the course.

The student may fulfil this requirement through attending regular office hours or schedule a separate Zoom meeting with the professor.

There are no specific preparations or materials required for this meeting. The meeting will be at least ten (10) minutes in duration. This meeting may be scheduled at any time during the term up to 16:00 on December 02, 2021. It is your responsibility to contact the professor to schedule this meeting.

Class Participation

Students are expected to participate in and contribute to each class session. Students can respond to the student-led Reading Presentations in each class session. Student participation and contributions in synchronous sessions may also consider assigned readings and videos, reflect on issues that have been raised in other classes in this course or in the media, or otherwise demonstrate interest and engagement with Indigenous relations.

When guest lecturers have been invited to share their knowledge, students are encouraged to ask questions and contribute to the discussion where synchronous or provide to the professor where pre-recorded.

Reading Presentation

Every student will give a presentation on the readings and/or materials. This presentation will take the form of a summary of, and a critical response to, the assigned materials.

For every class, there will be at least one or two students presenting. Where there is more than one student scheduled to present in a class session, those students can collaborate on their presentation and divide the readings, provided the chosen approach enables each student to fulfil the criteria below.

Each student will provide a brief summary of the readings/materials assigned for the relevant session. The summary should focus on analyzing the central claims and supportive evidence of the authors. The student may also criticize the claims of the author / speaker or provide personal responses. Drawing on the materials, the strength of the summary presentation and response should lie in the ability to examine or challenge the views of the author/speaker. Students are encouraged to use examples, counter-examples, outside readings, audio-visual materials or other evidence to support their positions on the issues.

The student must submit via Brightspace a brief written statement (1-2 pages) at least 2 days prior to their presentation. This written statement may include the speaking notes of the student, any references they plan to make during their presentation, and enclose a copy of their proposed PowerPoint, if applicable (Note: PowerPoint presentations are not a requirement for the Reading Presentations, but students often find them helpful).

This work will represent 20% of the total grade. This grade will reward serious effort made by the student to examine the materials, and to present them accordingly.

The schedule of the Reading Presentations will be confirmed on Brightspace. There are 11 eligible class sessions in the term and it is expected that every student will have the opportunity to present.

Reading Reflections

Unlike the Reading Presentation, the Reading Reflections will be submitted directly to the professor via Brightspace. The Reading Reflections will not be shared in class sessions (unless the student elects to share their reflection as a method of class participation).

Each student is required to submit four (4) Reading Reflections over the term and will select which class session they wish to submit on. The intent is to provide some flexibility to the student, who can assess their workload over the term as well as where their research or other interests lie.

What is a Reading Reflection? It is an opportunity to engage in the preparatory materials in a deeper way, and to construct new meaning from it. It is also an opportunity to respond in a creative way that engages with different pedagogical approaches to the course materials. I will therefore accept submissions that are written or in other media format such as video or audio.

Your reflections may contain original work or utilize the work of others. Please ensure appropriate attributions and citations in your submissions.

If written, your reading reflection should be between 2-3 pages in length, double spaced with normal margins. If you choose to submit other kinds of files, such as a video or audio file, please include a short written description of the submitted work including rationale for using a different format and approach.

Your response should clearly indicate your careful reading of the assigned materials for that week, and thoughtful reflection. You can keep two ideas in mind while preparing your reflection. What emerged as important for you in the central theme of the class and preparatory materials? Is there anything surprising or confusing that emerges for you in the materials?

COURSEWORK

Research Paper (10-12 double spaced pages)	30% of Final Mark
Reading Presentation	20% of Final Mark
Reading Reflections (4)	20% of Final Mark
Class Participation	20% of Final Mark
One-on-One Virtual Online Meeting with	10% of Final Mark
Professor Littlechild. (10 minutes or longer)	

LATE PENALTIES AND REQUESTS FOR EXTENSIONS

All assignments and exercises for this class are to be submitted via Brightspace.

The Reading Presentation must be provided in class, on the date scheduled. The related Written Statement for the Reading Presentation is due two (2) days prior to the scheduled Reading Presentation.

The Reading Reflections are due by midnight on the day of the class session for which you are submitting. For example, if you want to submit a Reading Reflection for the week on Toxics, your submission is due by midnight on the day that class is held.

The deadline for the final paper will be midnight on December 02, 2021. There will be a penalty of 5% for each day late.

The One-on-One meeting with the professor must be held by 16:00 on December 02, 2021. It is your responsibility to schedule this meeting with the professor.

The granting of extensions is determined by the instructor who will confirm whether an extension is granted and the length of the extension. For requests for extensions lasting less

than 7 days, please complete the form at the following link and submit it to the instructor prior to the assignment due date: https://carleton.ca/registrar/wp-content/uploads/self-declaration.pdf.

Extensions for longer than 7 days will normally not be granted. In those extraordinary cases where extensions lasting longer than 7 days are granted, the student will be required to provide additional information to justify the longer extension (up to a maximum of 14 days).

SCHEDULE

September 9	Introduction
September 16	Where We Learn: Decolonization, Reflexivity and Land
	Acknowledgments
	Tuck, Eve and K. Wayne Yang " <u>Decolonization is not a metaphor</u> " in Decolonization: Indigeneity, Education and Society Vol. 1, No. 1 pp. 1-40
	Glen Coulthard and Leanne Betasamosake Simpson, "Grounded Normativity/Place-Based Solidarity" American Quarterly 68, no. 2 (2016) pp.249-55
	Robinson, Dylan; Hill, Kanonhsyonne Janice C; Ruffo, Armand Garnet; Couture, Selena; Ravensbergen, Lisa Cooke "Rethinking the Practice and Performance of Indigenous Land Acknowledgement" Canadian Theatre Review, 2019, Vol.177, pp. 20-30
	Carleton University Strategic Indigenous Initiatives Committee, <u>Kinàmàgawin: Learning Together Final Report</u> (May 2020)
	Di Gangi, Peter "Algonquin Territory: Indigenous Title to land in the Ottawa Valley" (2018) online:
	https://www.canadashistory.ca/explore/politics-law/algonquin- territory
	The Algonquin land claim summary by the Government of
	Ontario: https://www.ontario.ca/page/algonquin-land-claim
	Additional Resource: Preliminary Draft Comprehensive Land
	Claim Agreement in Principle; and for your future information, a

	Map of Ontario Treaties and Reserves according to the
	Government of Ontario.
September 23	Confronting Dark Histories
	Lindberg Tracy "The Doctrine of Discovery in Canada" in
	Discovering Indigenous Lands: The Doctrine of Discovery in the
	English Colonies, Edited by Robert J. Miller, Jacinta Ruru, Larissa
	Behrendt and Tracey Lindberg (Chapter 4)
	Borrows, John "Canada's Colonial Constitution" in <i>The Right</i>
	Relationship: Reimagining the Implementation of Historic
	Treaties Edited by Michael Coyle and John Borrows (2017)
	University of Toronto Press (pp.17-38)
	Regan, Paulette "Reconciliation and Resurgence: Reflections on
	the TRC Final Report" in Resurgence and Reconciliation:
	Indigenous-Settler Relations and Earth Teachings ed. M. Asch, J.
	Borrows, and J. Tully, (2018) Toronto: University of Toronto
	Press, pp 209-227
	Coulthard, Glen "Seeing Red: Reconciliation and Resentment" in
	Red Skin, White Masks (2014) University of Minnesota Press pp.
	105-129
September 30	Treaties, Agreements and Other Constructive Arrangements
September 30	Treaties, 7.8. cements and other constructive 7.11 angements
	McCabe, J. Timothy S. The Law of Treaties Between the Crown
	and Aboriginal Peoples (2010) LexisNexis (pp.1-65)
	Coyle, Michael "As Long as the Sun Shines: Recognizing that
	Treaties were Intended to Last" in <i>The Right Relationship:</i>
	Reimagining the Implementation of Historic Treaties Edited by
	Michael Coyle and John Borrows (2017) University of Toronto
	Press (pp. 39-69)
	Battiste, Marie (ed) <i>Living Treaties: Narrating Mi'kmaw Treaty</i>
	Relations (2016) Nimbus Publishing, pp. 24-65
	3,11
	·

	Pasternak, Shiri <i>Grounded Authority: The Algonquins of Barriere Lake Against the State</i> (2017) University of Minnesota Press pp. 245-270
October 7	(Re) Framing Relationality: Emerging and Existing Standards - National, Provincial and Territorial
	Yellowhead Institute, Land Back: A Yellowhead Institute Red Paper (2019) Online: https://redpaper.yellowheadinstitute.org/wp-content/uploads/2019/10/red-paper-report-final.pdf ;
	Yellowhead Institute, Cash Back: A Yellowhead Institute Red Paper (2021) Online: https://cashback.yellowheadinstitute.org/wp-content/uploads/2021/05/Cash-Back-A-Yellowhead-Institute-Red-Paper.pdf
October 14	(Re) Framing Relationality: Emerging and Existing Standards – International
	UN General Assembly, United Nations Declaration on the Rights of Indigenous Peoples: resolution / adopted by the General Assembly, 2 October 2007, A/RES/61/295
	United Nations Declaration on the Rights of Indigenous Peoples Act (SC 2021 c 14)
	Weller, Marc "Self-determination of Indigenous Peoples - Articles 3, 4, 5, 18, 23 and 46 (1)" in: The UN Declaration on the Rights of Indigenous Peoples: A Commentary Edited by Jesse Hohmann and Marc Weller (2018)
	Carpenter, Kristen and Alexey Tsykarev "Indigenous Peoples and Diplomacy on the World Stage" in AJIL Unbound, (2021) Cambridge University Press
	Morales, Sarah "Braiding the Incommensurable: Indigenous Legal Traditions and the Duty to Consult" in <i>Braiding Legal</i> <i>Orders</i> , Edited by Borrows et al., (2019) McGill – Queen's University Press

October 21	Indigenous Feminist Perspectives and Gender Identity as Elements of Relationality
	Horn-Miller, Kahente "Distortion and Healing" In: Living on the Land: Indigenous Women's Understanding of Place Edited by Nathalie Kermoal, Isabel Altamirano-Jimenez (2016) Athabasca University Press pp 20-47
	Green, Joyce. "Taking Account of Aboriginal Feminism" In Joyce Green (Ed) <i>Making Space for Indigenous Feminism</i> (2007) Fernwood Publishing
	Ladner, Kiera. "Gendering Decolonisation, Decolonising Gender" (2009) 13 Australian Indigenous Law Review 62.
	Snyder, Emily. "Indigenous Feminist Legal Theory" (2014) Canadian Journal of Women and the Law 26:2.
	Gunn, Brenda "Self-Determination and Indigenous Women: Increasing Legitimacy Through Inclusion" n Canadian Journal of Women and the Law (2014) Vol. 26 (2) pp. 241-275
	Video to be posted to Brightspace on October 14
October 25-29	Fall Break, No Classes
November 4	Foundational and Fractured Relations: Indigenous Children and Youth
	Barker, Carolyn "miyawata: Family Teachings on Turtle Island" in ohpikinâwasow" in <i>Growing a Child: Implementing Indigenous Ways of Knowing with Indigenous Families</i> , Edited by Leona Makokis, Ralph Bodor, Avery Calhoun and Stephanie Tyler (2020) pp. 43 - 70
	Clark, Mary Anne "How do I reconcile child and family services' practice of cultural genocide with my own practice as a CFS social worker?" In: Pathways to Reconciliation: Indigenous and Settler Approaches to Implementing the TRC's Calls to Action

	Edited by Aimée Craft and Paulette Regan (2020) University of
	Manitoba Press (pp 220-248)
	Videos and materials to be posted to Brightspace on October 28
November 11	Indigenous Relationality and Mother Earth
	Armstrong, Jeannette "Living from the Land" In <i>Plants, People</i> and <i>Places: the Roles of Ethnobotany and Ethnoecology in Indigenous Peoples' Land Rights in Canada and Beyond,</i> Edited by Nancy Turner (2020) McGill – Queen's University Press, pp. 36-50)
	M'sit No'kmaq, Albert Marshall, Karen F. Beazley, Jessica Hum, shalan joudry, Anastasia Papadopoulos, Sherry Pictou, Janet Rabesca, Lisa Young, and Melanie Zurba. "Awakening the sleeping giant": re-Indigenization principles for transforming biodiversity conservation in Canada and beyond. FACETS. 6(): 839-869. https://doi.org/10.1139/facets-2020-0083
	Makokis et al "iyiniw tâpwêwin êkwa kiskeyihtamowin" in ohpikinâwasowin <i>Growing a Child: Implementing Indigenous</i> <i>Ways of Knowing with Indigenous Families</i> , Edited by Leona Makokis, Ralph Bodor, Avery Calhoun and Stephanie Tyler (2020) pp 13-42;
	Videos to be posted to Brightspace on November 4
November 18	Indigenous Legal Orders, Customary Law and Legal Traditions
	Borrows, John "Sources and Scope of Indigenous Legal Traditions" (pp. 23-58) and "Challenges and Opportunities in Recognizing Indigenous Legal Traditions" (pp. 137 – 176) in Canada's Indigenous Constitution (2010) University of Toronto Press
	Mills, Aaron; Drake, Karen; and Muthusamipillai, Tanya, "An Anishinaabe Constitutional Order" (2017). Articles & Book Chapters. 2695. https://digitalcommons.osgoode.yorku.ca/scholarly_works/2695

	Baker Grenier, Nigel "Kitimahkinawow ekwa Kitimahkisin: Pity and Compassion in Cree Law "11 W. J. Legal Stud. [23] (2021)
	Videos to be posted to Brightspace on November 11
November 25	Transformative Approaches to Building and Strengthening Indigenous Relations: The Example of Ethical Space
	Ermine, Willie "The Ethical Space of Engagement" Indigenous Law Journal, Vol. 6 No. 1 (2007);
	Crowshoe, Reg "Invitation to Ethical Space" In <i>Indigenous Well Being and Enterprise</i> Edited by Rick Colbourne, Robert B Anderson (2020) Routledge (pp 10-45);
	Videos and Materials to be posted to Brightspace on November 18
December 2	Transformative Approaches to Building and Strengthening Indigenous Relations: The Example of Two-Eyed Seeing Bartlett, Cheryl, Murdena Marshall, and Albert Marshall. "Two-Eyed Seeing and Other Lessons Learned within a Co-Learning Journey of Bringing Together Indigenous and Mainstream Knowledges and Ways of Knowing." Journal of Environmental Studies and Sciences 2, no. 4 (November 2012): 331–40. https://doi.org/10.1007/s13412-012-0086-8.; Reid, Andrea J., Lauren E. Eckert, John-Francis Lane, Nathan Young, Scott G. Hinch, Chris T. Darimont, Steven J. Cooke, Natalie C. Ban, and Albert Marshall. "Two-Eyed Seeing': An Indigenous Framework to Transform Fisheries Research and Management." Fish and Fisheries n/a, no. n/a. Accessed February 22, 2021. https://doi.org/10.1111/faf.12516.
December 9	Where We Learn: Connections, Rights, Obligations and Indigenous Futures
	Coulthard, Glen Sean "Conclusion Lessons from Idle No More: The Future of Indigenous Activism" in <i>Red Skin White Masks:</i>

Rejecting the Colonial Politics of Recognition (2014) University of Minnesota Press

Littlechild, Danika et al. "Reconciliation in undergraduate education in Canada: the application of Indigenous Knowledge in Conservation" in Facets, Vol. 6 No. 1 pp 665-685

Stewart-Ambo, Theresa and Yang, Wayne "Beyond Land Acknowledgment in Settler Institutions" In:

Social Text (2021) 39 (1 (146)): 21–46.

Special Guest Panel (TBD)

COVID-19 PREVENTION MEASURES

All members of the Carleton community are required to follow COVID-19 prevention measures and all mandatory public health requirements (e.g. wearing a mask, physical distancing, hand hygiene, respiratory and cough etiquette) and <u>mandatory self-screening</u> prior to coming to campus daily.

If you feel ill or exhibit COVID-19 symptoms while on campus or in class, please leave campus immediately, self-isolate, and complete the mandatory <u>symptom reporting tool</u>. For purposes of contact tracing, attendance will be taken in all classes and labs. Participants can check in using posted QR codes through the cuScreen platform where provided. Students who do not have a smartphone will be required to complete a paper process as indicated on the <u>COVID-19</u> <u>website</u>.

All members of the Carleton community are required to follow guidelines regarding safe movement and seating on campus (e.g. directional arrows, designated entrances and exits, designated seats that maintain physical distancing). In order to avoid congestion, allow all previous occupants to fully vacate a classroom before entering. No food or drinks are permitted in any classrooms or labs.

For the most recent information about Carleton's COVID-19 response and required measures, please see the <u>University's COVID-19 webpage</u> and review the <u>Frequently Asked Questions</u> (<u>FAQs</u>). Should you have additional questions after reviewing, please contact <u>covidinfo@carleton.ca</u>

Please note that failure to comply with University policies and mandatory public health requirements, and endangering the safety of others are considered misconduct under the Student Rights and Responsibilities Policy. Failure to comply with Carleton's COVID-19 procedures may lead to supplementary action involving Campus Safety and/or Student Affairs.

ACADEMIC ACCOMMODATIONS

Academic Accommodation

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For accommodation regarding a formally-scheduled final exam, you must complete the Pregnancy Accommodation Form.

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details click here.

Academic Accommodations for Students with Disabilities: The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or mmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your Letter of Accommodation at the beginning of the term, and no later than two weeks before the first inclass scheduled test or exam requiring accommodation (if applicable). After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website for the deadline to request accommodations for the formally-scheduled exam (if applicable).

Survivors of Sexual Violence

As a community, Carleton University is committed to maintaining a positive learning, working and living environment where sexual violence will not be tolerated, and where survivors are supported through academic accommodations as per Carleton's Sexual Violence Policy. For more information about the services available at the university and to obtain information about sexual violence and/or support, visit: https://carleton.ca/equity/sexual-assault-support-services

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation will be provided to students who compete or perform at the national or international level. Write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist: https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material, regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence. More information on the University's Academic Integrity Policy can be found at: https://carleton.ca/registrar/academic-integrity/.

Accommodation for Student Activities

Carleton University recognizes the substantial benefits, both to the individual student and for the university, that result from a student participating in activities beyond the classroom experience. Reasonable accommodation must be provided to students who compete or perform at the national or international level. Please contact your instructor with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. Read more here: https://carleton.ca/senate/wp-content/uploads/Accommodation-for-Student-Activities-1.pdf.

For more information on academic accommodation, please visit: https://students.carleton.ca/services/accommodation/.

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations: https://carleton.ca/law/student-experience-resources/.