



COMPLETING CANADIAN
CONFEDERATION
WITH AN ABORIGINAL
ORDER OF GOVERNMENT

THE BIBLIOGRAPHY

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The following is the complete bibliography of materials consulted for the above study. A team of research assistants with support from senior researchers were assigned to develop bibliographies within identified themes. We used Google Scholar, CanLII and LexisNexis to locate and verify sources. These results were then supplemented by checking references within the source materials themselves. The following themes, developed iteratively, were used in searches:

- Third order of Aboriginal Government
- Retrieval and revivification of Aboriginal political theory
- Legal history and evolution of jurisprudence
- Legal and policy mechanisms that recognize, implement and reconcile Aboriginal rights and interests in land and resources
- Practices of intergovernmental engagement
- Canadian innovation in these areas in the global context

One student, a native speaker, reviewed the academic literature in French using Google Scholar. The keywords used were “troisième ordre de gouvernement autochtone canada”, “aires protégées arrangements gestion gouvernement autochtone Canada”, “auto-gouvernance autochtone Indian Act canada” and “auto-gouvernance autochtone loi sur les indiens canada” and “autodétermination autochtone loi sur les indiens Canada” on self-government outside of the framework of the Indian Act, and finally “jurisprudence ordre de gouvernance autochtone” on jurisprudence laying basis for an Aboriginal order of government or a third order of government.

This student prepared a review essay on the treatment of these issues in francophone scholarship. While there is substantial convergence with the anglophone academic literature, there are some distinctive features of the academic literature in French.

This investigation of scholarship on the emergence of a third, Aboriginal order of government did not uncover consensus on the existence of a third order, but rather suggestive indications that at least three pathways in that direction have opened up. These are related to legal arguments put forward by Aboriginal peoples over many decades, innovative arrangements for the protection and stewardship of Aboriginal territories, and the likely implications of Canada's endorsement of the United Nations Declaration on the Rights of Indigenous Peoples, whose existence Canadian Aboriginal people worked over decades to realize. It seems clear that these three processes of change are interconnected and mutually reinforcing.

It is also clear that we confronted and did not overcome a sobering challenge of scope. The scholarship in French has points of convergence with the synthesis in this report, but as the document in the appendix shows, divergence as well. The scholarly literature in French requires a strong separate treatment set in appropriate historical and cultural context. Similarly, research on the experience of Inuit and Metis requires a distinct examination that was beyond our capacity to undertake in this document.

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