**Joshua Gladstone (JG):** You spend considerable time and energy writing and speaking about Indigenous-settler relations in Canada. Where does your interest come from?

**Chris Alcantara (CA):** During my undergraduate studies at McMaster University, my roommate, Ty Hamilton, was completing a minor in Indigenous studies and he would constantly talk about the complex relationship between Indigenous and settler peoples in Canada. It was a topic that I had really no knowledge of despite doing a double major in political science and history. But his insights really got me interested in learning more about this topic. When I got to Calgary to do my Master’s degree, I took a course on comparative Indigenous politics with David E. Wilkins, who was at the University as a visiting Fulbright scholar. That course, plus writing an M.A. thesis on property rights, Indigenous poverty, and the Indian Act under the supervision of Tom Flanagan, really got me interested in learning more about the Indigenous-settler relationship in Canada.

**JG:** What motivated you to write a book specifically about comprehensive land claims agreements?

**CA:** As I learned more about the Indigenous-settler relationship in Canada, I stumbled upon this growing literature on modern treaties and was fascinated by the debate on whether modern treaties could be used to effectively address the wretched conditions found on some Indigenous communities. Some commentators believed that modern treaties could be used to achieve meaningful Aboriginal self-determination and prosperity. Others thought that modern treaties were simply another tool that the Canadian state was using to co-opt Indigenous peoples, lands, and priorities. I knew that I wanted to contribute to this debate but I also knew I wasn’t a political theorist! So I thought my initial contribution to this debate could be to tackle the question of why some Aboriginal groups were able to complete modern treaties and why some have not. Lots of people had ideas about the factors that generated successful and unsuccessful negotiations, but none had addressed this question systematically or comparatively.

**JG:** What problems are comprehensive land claims agreements meant to solve for Indigenous groups? Government?

**CA:** Originally, comprehensive land claims agreements emerged in the early 1970s in response to growing concerns about Indigenous mobilization and some litigation that had established the legal existence of Aboriginal title. In essence, the government of Canada became concerned that Indigenous peoples had legitimate ownership claims over certain Crown lands that had never been subject to historical treaties with Indigenous peoples. To alleviate this uncertainty, the federal government initiated what it called comprehensive land claims negotiations with those groups that had never signed treaties with the Crown. So the original impetus for modern treaties was the Crown’s concerns about Indigenous political mobilization and the lack of certainty and finality regarding the ownership of Canada’s lands.

Over time, the negotiation process and the agreements themselves have evolved to reflect a growing desire to help Indigenous peoples achieve meaningful political and economic self-determination and prosperity. Defenders of modern treaties argue that they provide Indigenous groups with a wide variety of powers and jurisdiction over a range of lands. Some also contain self-governance provisions, empowering Indigenous groups to establish their own self-governing regimes. Critics, on the other hand, suggest that these supposed benefits are far too limited in scope and that the costs of achieving them are far too high for the Indigenous signatories.
Alcantara’s book was published in March 2013 by University of Toronto Press.
JG: How effective do you think CLCs are in solving these problems?

CA: Quite frankly, I don’t know. The existing literature is divided on the utility of modern treaties and so there’s a real need for someone to do a serious, comparative and systematic study of modern treaty implementation from a social science, Indigenous-centred, or hybrid perspective. As far as I can tell, no one had yet to produce such a study but hopefully someone will.

JG: In your forthcoming book, you ask why some Indigenous groups have been able to complete comprehensive land claims agreements while others have not. What have you found?

CA: The existing literature tends to argue that modern treaty negotiations are extremely slow because the federal, provincial, and territorial governments are too inflexible and dominating during negotiations. Yet this explanation doesn’t take into account the fact that over 20 groups have completed modern treaties. My book argues that the key to successful and unsuccessful treaty negotiations lies with the Aboriginal groups. It is true that the Crown is highly inflexible and dominating and that it holds much of the power in the negotiation process. Indeed, the federal, provincial, and territorial governments also have considerable ownership rights and resources at their disposal. But some Aboriginal groups have completed modern treaties despite these facts and so any explanation of treaty negotiations must take into account the role of Aboriginal groups in the process.

So what does this mean in practice? Given that the Crown dominates the treaty negotiation process, Aboriginal groups that want to complete a comprehensive land claims agreements must convince the Crown to do so. Specifically, this means that Aboriginal groups must adopt negotiation goals that are compatible with the goals of the federal, provincial, and territorial governments. They must minimize the use of confrontational tactics, which can be seen as embarrassing for government officials. They must forge internal cohesion as it relates to completing a treaty and they must foster positive perceptions of themselves among government officials. Governments want to sign treaties with those groups that they think are likely to be successful at treaty implementation because they do not want to deal with the embarrassment of Aboriginal financial mismanagement or political corruption/in-fighting, post-treaty.

This explanation challenges much of the conventional wisdom on treaty negotiations, which tends to focus on the role of the Canadian governments and the need for a major economic development opportunity to exist on Indigenous lands. My research findings suggest these are important factors, but that you can’t fully explain successful and unsuccessful treaty negotiations without taking into account the active role that Indigenous groups play in the process. Of course, this active role is highly constrained by a number of other factors, including the actual negotiation environment, which was created and is controlled by the Crown itself! Another potentially constraining factor is the specific history of government interference in each Indigenous community. Some groups, for instance, have struggled to forge internal cohesion because the federal or provincial governments imposed membership rules on the community, or moved the community from place to place without their consent, or under-funded the community, among other things. And so some groups have found it difficult to achieve the necessary factors for treaty completion. But treaty completion is not impossible. My research shows that Indigenous groups can overcome these barriers through the actions of their political leaders.

JG: This past September, the Government of Canada announced a “new approach” to treaty negotiations involving results-based negotiations and the promotion of other tools to address Aboriginal rights and promote economic development and self-sufficiency. Given the role you ascribe to Indigenous groups in the treaty-making process, what do you think the effect of this “new approach” might be?

CA: When I saw the announcement in Fall 2012, I was stunned! In my book, I don’t make any policy suggestions for reforming the negotiation process. My primary goal was social scientific in nature: to simply identify the factors that led to completed and incomplete treaty negotiations. Although the book doesn’t offer any suggestions for policy reform, it does outline and analyze the various choices that Indigenous groups face, given my findings and the fact that significant policy reform is unlikely to occur anytime soon. These choices include: find a way to achieve the necessary strategies to complete a modern treaty; choose one of several existing policy alternatives to modern treaties (e.g. bilateral agreements, incremental treaty agreements, self-government, or legislative alternatives like the First Nations Land Management Act); or stick with the status quo (e.g. no treaty). The government of Canada’s new approach seems to reflect some of the analysis in my
book. As far as I can tell, the government of Canada plans to focus its efforts on those groups that it thinks can successfully complete negotiations while encouraging other groups to pursue alternatives to the treaty process, either as an end in of itself, or as a means of building capacity towards eventual treaty completion.

So what will happen as a result of these new government reforms? I think negotiations will accelerate significantly with those groups that are already capable of completing negotiations (e.g. are close to achieving the four necessary strategies). Other groups will be encouraged to choose the status quo (no treaty) or one of the alternative policy options currently available. These alternatives will provide opportunities for capacity building and for improving standards of living in Indigenous communities, which in turn may help some groups convince the government to complete treaty negotiations. But for the majority of groups that are struggling to complete negotiations, the reforms will probably not help them complete modern treaties.

I remember several years ago sharing some of my initial findings with several senior government officials. One of them remarked that he thought the findings would be useful for reforming the treaty process. I never thought anything would come of it but the announcement in the fall reminded me how our research can sometimes have a significant effect on public policy (assuming my work actually did have any influence!).

**JG:** When the Idle No More movement sprang up across the country — including in areas covered by modern treaties — it called attention to the deplorable conditions in many Indigenous communities and the acerbic nature of Indigenous-settler conflict. Are modern treaties part of the solution to these issues, or part of the problem?

**CA:** I think modern treaties can be both. On the one hand, modern treaties have the potential to provide Indigenous communities with significant resources and jurisdictions to exercise meaningful self-determination and economic prosperity. On the other hand, even the best treaties can generate negative outcomes! Much depends on whether the government of Canada is willing to uphold its treaty implementation obligations and whether Indigenous leaders can connect and engage meaningfully with their community members.

**JG:** Earlier on, you mention your relationship with Tom Flanagan as your thesis supervisor. Professor Flanagan is a controversial figure, including for his writing on Indigenous-settler relations. How has Professor Flanagan shaped your thinking on Indigenous-settler relations, and what do you think his legacy will be in the field?

**CA:** When I arrived at the University of Calgary in 2001 to do my Masters degree in political science, I vowed not to work with Dr. Flanagan. I had read the first chapter in *First Nations? Second Thoughts* during the last year of my undergraduate degree and was appalled! However, Rainer Knopff convinced me to at least meet with Dr. Flanagan to discuss the possibility of him supervising my M.A. thesis and so I did. After presenting him with my ideas, all of which were extremely broad and impossible to do, he suggested three very doable projects and I chose the one on Certificates of Possession. It turned out to be an excellent decision!

Tom has taught me several important things over the years, all of which I learned indirectly from interacting with him as a graduate student and later as a co-author. First, ask and investigate research questions that are relevant to real-world problems and issues. My first real research project was on the positive and negative effects of the various property rights imposed on Indian reserves by the Indian Act. That research has helped the government of Canada and some Indigenous communities across the country to engage in property rights reform and improve housing and economic development conditions on their lands.

Second, don’t be afraid to defend unpopular or controversial arguments in your research. *First Nations? Second Thoughts* was controversial for a number of reasons, mainly because it took a particular stand that was critical of the dominant view about Indigenous-settler relations. As a result, many scholars and commentators heavily criticized and dismissed his work. Yet the book was important because it challenged these scholars and commentators to directly address the types of concerns raised by Flanagan and to think more carefully about the robustness of their arguments. Indeed, it’s only through debate and discussion can we properly sharpen our arguments and determine whether they are in fact right!

Third, be willing to change your mind. People paint Tom as a right wing or libertarian ideologue who is incapable of changing his mind. Yet Tom has always taught me, again indirectly, that being a scholar means being willing to listen to rational and reasonable arguments. Ultimately, we need to be prepared to change our minds and to realize that our arguments and research might be wrong! In
First Nations? Second Thoughts, Flanagan states that he doesn't believe in Aboriginal self-government. Ten years later, in Beyond the Indian Act, he argues that Aboriginal self-government is necessary for improving living conditions on Canadian Indian reserves. To me, that's remarkable and admirable and as a result, I've always tried to be open to the possibility that my research and views are wrong.

I hope his legacy will be to remind us all to be open to discourse and dialogue, no matter how unpopular it may be. Only through debate and discussion can we discover how robust and true our ideas and arguments really are.

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