

**IN QUEST OF INDIGENEITY, QUALITY, AND CREDIBILITY
IN ABORIGINAL POST-SECONDARY EDUCATION IN CANADA:
PROBLEMATIC, CONTEXTS, AND POTENTIAL WAYS FORWARD¹**

[Jerald Paquette](#), *University of Western Ontario*,

and Gerald Fallon, *University of British Columbia*

Learning involves conceptual frameworks embedded in worldviews and values. The overarching problematic of Aboriginal post-secondary education is complex and multifaceted. Normative and institutional forces as well as the credentialing and certification agenda of post-secondary education limit the degree to which Aboriginal education at any level can simply go its own way. To what degree and in what ways should Aboriginal post-secondary education differ from mainstream post-secondary education— and can it? The *parity paradox* (Paquette & Fallon, 2010, p. xii) prevails in post-secondary as in lower-level education. Education that purports to be meaningfully “Aboriginal” must fulfill two seemingly opposing purposes: provide education that is grounded in Aboriginal cultures but also provide a reasonable degree of parity with the content and quality of mainstream education. In short, Aboriginal post-secondary education is situated at the nexus of colliding epistemic universes of hugely unequal power. What can and should be Aboriginal in Aboriginal post-secondary education? What is the Canadian experience to date in that respect—with particular focus on the British Columbia case example—and what can be learned from it?

Introduction: Defining the Overall Problematic

Learning is not a culture-neutral transfer of data. It involves conceptual frameworks embedded in worldviews and values. In many parts of the world, including Canada, Western education dominates teaching and learning and has replaced Indigenous/Aboriginal² approaches to learning. Wherever Western colonialism has taken hold, including Africa, Asia, Latin

¹ Inspiration and material for this paper are drawn from a longer paper presented at the 2013 Canadian Society for Studies in Education conference.

² We use the terms interchangeably to indicate peoples who inhabited an area prior to European colonization.

America, and North America, Western concepts and values play a primordial role in many areas of higher education. Nonetheless, efforts grow across the world to revitalise Aboriginal peoples' knowledges and systems of knowledge. Institutions of higher education have become important channels for this revitalization. Still, so far, Aboriginal impacts on the overall shape and direction of post-secondary education have been marginal. The overarching problematic of Aboriginal post-secondary education is complex and multifaceted. At the first level, it raises complex and conflicted issues about what is currently and, more to the point, what ought to be "Aboriginal" in Aboriginal post-secondary education, why, and on whose terms. To what degree and in what ways should Aboriginal post-secondary education mirror mainstream post-secondary programming, and where and how should it differ? Powerful normative and institutional forces, of course, limit the degree to which aboriginal education at any level can simply go its own way. The credentialing and certification agenda of post-secondary education militates strongly against a completely separate and different institutional form and structure or radically different content for Aboriginal post-secondary education. On the other hand, Aboriginal post-secondary education which is solely a mirror image of mainstream post-secondary education can hardly lay claim to being an authentically Aboriginal instantiation of post-secondary education or to leading toward renewal of Aboriginal ontologies and epistemologies which are different from "the dualist ontologies of Euro-modernity in that they are not built on the divides between nature and culture, us and them, and individual and community" (Escobar, 2010, p. 4).

An important problem confronting post-secondary institutions in Canada is that, even if they wish to indigenize their curriculum, they are usually not adequately equipped to teach about and perform research involving Aboriginal knowledge and sciences. Educational and research staff have generally been exclusively educated in mainstream research and epistemological

traditions that underpin both educational accreditation and research theory and practice. A reorientation of post-secondary education to accept, incorporate, and improve Aboriginal knowledges and sciences in their community services, education, and research may require substantial redesign of university protocols and rules.

In post-secondary education, no less than in elementary and secondary education, one is confronted with the *parity paradox* (Paquette, 1986; Paquette & Fallon, 2010). That paradox consists in the reality that any education that purports to be meaningfully Aboriginal must fulfill two purposes that seem, at first blush, fundamentally opposed to one another. Aboriginal education must, in order to justify its existence, provide education that is grounded in Aboriginal cultures (including and especially ontology and epistemology) and/or languages in a way that mainstream education is not. This requirement raises the question of the extent to which Aboriginal ways of knowing can be considered as expressions of sciences/knowledge in their own right within mainstream post-secondary education—the extent to which multiple, divergent knowledge systems do or should co-exist with mainstream post-secondary education. Yet, in order to maintain credibility both with mainstream Canada in general and its educational institutions in particular, as well as with Aboriginal students who look toward education as, at least in part, a passport to participation in the mainstream socio-economic order, Aboriginal education must also provide a reasonable degree of parity with the content and quality of mainstream education. This dual-focus requirement constitutes a *parity paradox*.

In this age of credentialism the tense duality embodied in this paradox is nowhere more powerfully and visibly enacted than in post-secondary education with its particularly heavy responsibility for formal, higher-level credentialing within contemporary society. In *First Nations Educational Policy in Canada* (2010) we argued in favour of an *education-plus* solution

to the parity paradox. Specifically, we reasoned that First-Nations education must succeed in doing well with both agendas. To survive and to maintain credibility with its Aboriginal and mainstream constituencies, it must do an excellent job of teaching and fostering indigeneity *as well as* an excellent job of educating First-Nations students to reasonable parity with their mainstream peers across the principal components of mainstream curriculum. To do so is a formidable challenge and one with major resource implications—financial and otherwise; still, we see no inherent contradiction between these two parts of the inevitable mandate of meaningfully Aboriginal education in our time.³

We begin with a somewhat detailed look at difficult but fundamental questions. What should be Indigenous in Aboriginal post-secondary education; how should such Indigenous content, process, ethos, and so forth be understood in order to strengthen the dynamics of Aboriginal knowledge systems, and why? A question that seems naïvely obvious, but it turns out is not, follows: “Aboriginal post-secondary education for whom?” We will then take a brief, introductory look at the “who should deliver and where (i.e., in what institutional context[s])” question.

We have given the question of First-Nations educational rights, both those arising from the “school clauses” within the numbered treaties and those that may be entrenched by virtue of section 35 of the constitution, considerable attention (Paquette & Fallon, 2008, 2010).

Perhaps the most formidable obstacle to realizing authentically *education plus* Aboriginal programming at the post-secondary level, whether framed within a First-Nations institutional context or within a mainstream post-secondary education institutional context, is the

³ We refer interested readers to the arguments we advance in this respect in *First Nations Education Policy in Canada* (2010). These arguments have every bit as much relevance and force for post-secondary education as for lower levels of education.

problem of what might be characterized as colliding epistemic universes, epistemic universes, moreover, of vastly different power and valence in the current intellectual landscape of Canada.

We conclude by asking whether our goal of Aboriginal post-secondary education that combines synergistically the strengths of both Aboriginal and Western intellectual traditions is an impossible dream or a compelling agenda. We discuss briefly some of the difficulties in realizing such an agenda posed by the strong spiritual grounding of Aboriginal ways of knowing and being on the one hand and the strong Enlightenment legacy of, at the very least, neutrality with respect to spiritual issues in Western post-secondary education institutions.

What Should Be Indigenous in Aboriginal Post-Secondary Education and for Whom?

With regard to the first part of the question, content and context! Just what this might mean, however, can and does vary greatly with the nature of the post-secondary education program(s) and institutional arrangements within which these programs occur. Knowledge of Aboriginal people is not just a collection of unrelated pieces of information and experiences. It is the result of culturally specific ways of processing experiences and information. It is based on a particular worldview and value system, and its own knowledge community has its own way of assessing the validity of knowledge claims.

Logically, Aboriginal programs should to some degree reflect approaches to epistemology preferred by aboriginal persons and encouraged by aboriginal cultural traditions. As well, such programs ought to reflect to some reasonable degree Aboriginal values and ways of being. Values and ways of being can and do vary significantly across Aboriginal cultures, of course, notwithstanding some well-recognized global commonalities (e.g., preference for holistic rather than atomistic/Cartesian approaches to understanding).

Concerning the second part of the question, several issues need to be addressed. First, literally, who should attend courses and programs that are significantly Aboriginal in content and context, bearing in mind that “context” as we are using it here can mean anything from theoretical and intellectual grounding to actual physical location? Second, to whom should the content of such courses be primarily addressed and why? Finally, more broadly, whose interests should be served by such courses and programs (another innocently simple-sounding question that can be anything but simple in some cases)?

In the absence of specific targeted-funding constraints, Aboriginal courses and programs should be open, in principle, to all students although, in some cases, courses may make assumptions about cultural knowledge that many if not most non-Aboriginal students do not bring with them to their post-secondary studies. Broad access, of course, raises the question of possible challenges associated with courses and even programs that are Aboriginal but in which non-Aboriginal students systematically attain higher average evaluations than those of their Aboriginal peers. Confronting these challenges is better than converting Aboriginal courses and programs into academic ghettos. However, courses and programs should be designed to serve mainly the interests of those for whom they are intended. That said, we believe that course and program targeting that is rigidly exclusionary fosters academic ghettos and undermines the openness that we take to be a fundamental hallmark of post-secondary, and especially university, education. In the end, universities are, or ought to be, incubators for “open societies” and we believe everyone’s interest is well served when open access is a rule which universities depart from only in exceptional circumstances and only for good reasons.

Indigenous/First-Nation Delivery Versus Mainstream-Institution Delivery—

A First-Level Look at the Question

In Canada, Aboriginal post-secondary courses and programs tend to be delivered in five relatively distinct, although often overlapping, venues: 1) mainstream post-secondary institutional and program contexts; 2) Indigenous programs housed within mainstream post-secondary programs and institutions; 3) programs operated by First-Nation entities; 4) programs operated in First-Nation communities by mainstream post-secondary institutions; and 5) Indigenous/Aboriginal colleges either affiliated with a larger institution (e.g., First Nations University of Canada—FNUC) or not (Gabriel Dumont Institute being perhaps the only example of the latter).

These varying institutional contexts are also shaped by the funding sources which sustain them. These can range from federal support through ISSP or through bands or tribal organizations, to provincial support, and various combinations thereof. Funding sources, moreover, can change, sometimes dramatically over time—FNUC being a particularly instructive example.

The underlying tension here, as we see it, is between mainstream institutional delivery and delivery by, or under the aegis of, specific Indigenous or First-Nations groups or entities. How this tension plays out over time and is resolved, or not, in one direction or the other is an important element, though by no means the only one, in the indigeneity of such programs. As the British Columbia case chronicled by MacIvor which we will look at below clearly suggests, it is very difficult to orchestrate meaningful Aboriginal voice, power, or even just systematic influence in post-secondary governance situated within mainstream institutions. The difficulty of achieving such Aboriginal input on the playing field of mainstream post-secondary institutional

governance is a significant hurdle to Indigenous programming within mainstream academia and, as we will argue below, not one that can be—or for that matter should be—surreptitiously sidestepped.

A Question of Rights and Why the Question Matters—A Quick Review

The federal government has always maintained that it funds post-secondary attendance and programs as social-development policy but that it is under no obligation, legal, treaty, or other to do so currently or on an ongoing basis. This perception is quite different from that of most First-Nation spokespersons who see education as an aboriginal right, post-secondary education no less than elementary and secondary education. The divergence has become greater and louder as the stakes have grown in the wake of Bill-C31 (which restored Indian status to registered Indian women who lost their status by marrying non-status males prior to 1985), the *McIvor* case (*McIvor v. Canada*, 2007), and perhaps, although far more speculatively, the prospect of further additions to the registry of status Indian persons in the wake of future litigation aimed at residual sex discrimination in the Indian Act (1985).

The Question of Inherent Rights to Post-Secondary Education

A difficult but interesting question is whether the courts might eventually find post-secondary education to be an inherent or aboriginal right within the meaning of section 35 of the Constitution. This question raises four subsidiary issues: 1) the nature of education itself in the most generic sense; 2) whether First-Nation peoples “educated” their children in pre-contact times within any recognizable version of this generic meaning of education; 3) if so, whether

“institutionalized”⁴ First-Nation community education sufficiently reflects such pre-contact education to be eligible for section-35 protection; and 4) whether, in any case, the very nature of education itself, considering the evolutionary nature of culture on the one hand and the plausible argument that First-Nation peoples educated their children in pre-contact times within the parameters, understandings, priorities, epistemological assumptions and ways of being that shaped their existence and heritage, makes it a “culturally central, pre-contact practice.”

Education signifies empowerment and capacitation (Sen, 2009, p. 68), particularly but not exclusively growth in intellectual, moral, spiritual, and practical capacities, as these are understood and enacted within a given social-historical context. In this way it justifies its etymology as something that empowers by setting free. Education is broader than schooling—we still say, notwithstanding greatly increased media impact among the young, that parents are a child’s primary educators. Education is induction into life, a fuller, richer life than is possible without it. At this point, one is tempted to launch into an exploration of the voluminous and controversy-ridden literature on educational purpose but doing so would be beyond the scope of this paper and would obscure its focus on indigeneity in post-secondary education. The key point is that education includes all that contributes to legitimate and desirable capacitation as understood within a particular cultural tradition at a particular point in its history. We embrace a broad, flexible understanding of education, one not anchored in any particular educational canon within the history of any particular culture. We do so not only because of theoretical commitment to such a broad construction of the concept of education but also for the pragmatically sensible reason that marrying the essence of education to a particular canon accepted within one cultural tradition at a particular point in history ensures that such a

⁴ We have argued consistently that current organizational *arrangements* within which First-Nation community education occurs do not constitute a *system* within any plausible definition of the term.

conceptualization of education will rapidly become obsolete, even quaint, and perhaps even silly.⁵

The point here is that if education is, in its most elemental and essential character, capacitation in the intellectual, moral, spiritual, and practical knowledge and skills esteemed and necessary for life within a particular culture at a particular point in time, First-Nation (as well as Inuit and Métis) peoples clearly educated their young, however much the *mode* of that education might have differed from instructional and organizational norms associated with contemporary western schooling. In a word, First-Nation peoples *educated* their young. To sustain the contrary one has to tie education to specific cultural traditions—and definitively divorce it from others. To be sure some commentators such as Flanagan (2000) and Widdowson and Howard (2008) believe that Aboriginal people in general and First-Nation peoples in particular had no meaningful “cultures” (or even, in the case of Widdowson and Howard, fully developed languages). They invoke “civilizations” as the decisive marker here but that matters little, it seems to us—and would therefore doubtlessly dismiss our argument that First-Nation peoples educated their young on the grounds that they had no meaningful culture for which they might have provided capacitation in intellectual, moral, spiritual, and practical knowledge and skills. We find their arguments, however, completely disingenuous and unconvincing and therefore not worth the space to deal with at length in an already crowded paper.

Following Wilkins (1999) we have summarized elsewhere in the following way (Paquette & Fallon, 2008, p. 365) key defining criteria of an inherent aboriginal right as the Supreme Court has thus far constructed it:

⁵ This is not as exorbitant a claim as it might seem at first blush. The generation of the first author considered a solid background in Latin as an important marker of deep education. Notwithstanding his unending gratitude for the experience, who would dare make such a claim today?

- it carries on “traditions, customs and relationships that already existed in some form”;
- it is “of central or defining significance to the culture of the relevant aboriginal community before and apart from European influence”;
- it is not “*solely* [emphasis added] . . . a response to European influences”; and
- it does not constitute a right or power “conferred” by settler peoples.

We find this construction to be narrow and unfortunate because it does not recognize that cultures evolve over time. It insists that any practice, including educational practices, that would attract section-35 protection must have been carried forward unchanged from pre-contact times.

Well almost! In *R. v. Marshall; R. v. Bernard* (2005) the Supreme Court allowed Mi'kmaq plaintiffs to violate provincial forestry regulations by harvesting trees to make furniture for domestic use. They did so, however, within very restricted parameters as LeBel and Fish JJ. explain in their concurring reasons at paragraphs 116–117: “In order to be protected under the treaties of 1760–61, trade in forest products must be the modern equivalent or a logical evolution of Mi'kmaq use of forest products at the time the treaties were signed.” Moreover, this right, however limited, is accorded by the court in respect of a treaty, not as a general “inherent right.” Second, cutting trees to make furniture is a long distance from post-secondary education—and even further from any kind of positive-law right to support from the government to participate in it.

Nonetheless, as Macklem (2001, p. 1610) argues, contemporary Supreme Court jurisprudence on constitutional rights claims relies heavily on interest analysis. Whose interests are at stake; what are their relative legal valences; and how should these be decided? An important element in any consideration of the relative legal valence of education in general and post-secondary education in particular is the federal government’s fiduciary responsibility

toward First-Nations people. The good news here, in terms of either negotiating or eventually establishing in court a First-Nation right to post-secondary education (either in its right-to-attend dimension or in its right-to-create-and-provide-programs dimension) is that that fiduciary responsibility would likely require courts to consider seriously such fiduciary responsibility as establishing a federal, as well as a First-Nation, interest in First-Nation post-secondary education.

The bad news is that competing interest analysis can and often does lead courts to the conclusion that mainstream, and particularly settler government, interests should trump any competing First-Nation interest process. In *Delgamuukw v. British Columbia* (1997, 1998, 1999) Lamer C.J. wrote at page 1111:

In my opinion, the development of agriculture, forestry, mining, and hydro-electric power, the general economic development of the interior of British Columbia, protection of the environment or endangered species, the building of infrastructure and the settlement of foreign populations to support those aims, or the kind of objectives that are consistent with this purpose and, in principle, can justify the infringement of aboriginal title.

In Macklem's view, the Supreme Court has essentially "nudged aside the relevance of the fiduciary relationship between the Crown and Aboriginal people" in *Delgamuukw* and *R. v. Gladstone* (1996):

On the contrary, Aboriginal rights ought to operate to prevent government from interfering with their exercise for purposes of simply advancing the broader community interests. 'Reconciliation' just as easily supports the proposition that governmental objectives such as the development of agriculture, forestry, mining, and hydroelectric power in the general economic development of the interior of a province are not sufficiently compelling and substantial to warrant interfering with Aboriginal and treaty rights. Assuming that subsection 35(1) rights are not absolute, governments can no doubt pursue certain governmental objectives that limit their exercise. But authorizing such a wide range of acceptable governmental objectives defeats the very reconciliation purportedly embodied in the constitutionalization of existing Aboriginal and treaty rights.

So what interests are at play in First-Nations post-secondary education and what are their relative “legal valences?” That is *a*, if not *the*, key question because, in our view, any progress toward greater or more differentiated federal support for First-Nation post-secondary education will only occur in proportion to the legal valence of the interest issues at stake—whether the process is negotiation or litigation; that is an unavoidable corollary of *Kymlicka’s constraint*, a term coined by Turner (2006) as a shorthand to capture the reality that, for the foreseeable future, the majority of powerbrokers in Canada will be non-Aboriginal.

First-Nation interest in indigenizing post-secondary education would appear to be threefold:

1. greater access to post-secondary education generally on the part of First-Nations students;
2. post-secondary programs and courses that better reflect First-Nations priorities, cultures, traditions, languages, knowledge, and “ways of being”;
3. greater exposure of non-Aboriginal students to First-Nations experience, history, priorities, cultures, and ways of being and knowing.

Probably outweighing all other non-Aboriginal interests, we would argue, is the long-standing federal interest in not putting new money into First-Nation post-secondary education. Federal sensitivity on this subject has grown in recent years, first with the reinstatement of “C-31 Indians” and more recently still with costs associated with further reinstatements as a result of the *McIvor v. Canada* (2007) decision.⁶ An immediate corollary at the federal level would be the need to insist upon some form and degree of “rationing” of federal resources in support of First-Nations education. This issue has a long history which we touch upon in our recent book (Paquette & Fallon, 2010)—an important dimension of which we will look at below; the federal

⁶ See note 2.

government would be unwilling to repeat its experience with post-secondary funding of First-Nation post-secondary education in the 1980s when it found itself funding virtually any student in any program without respect to student performance or program quality or credibility. Next in precedence would be provincial interest in resisting any further expansion of post-secondary-education costs. Third, and a subject to which we will return in more detail later in the paper, is the interest of post-secondary institutions, particularly universities, in maintaining their autonomy and the academic freedom of their units and instructors. Finally, as in any large, highly bureaucratized organizational structure, post-secondary institutions, leaving aside autonomy concerns, have huge vested interests and a whole political economy around the attribution of scarce resources. They are, in this respect, rather like a very large ship—very difficult to turn at all, and almost impossible to turn quickly.

Colliding Epistemic Universes of Unequal Power: Implications

Reduced to the most basic competing-interest analysis, the problematic of indigenizing post-secondary education reduces to a political-economy struggle for control of shares of an increasingly strained post-secondary-education resource base. In short, stakeholders in existing programs and interests within post-secondary institutions and families of institutions are not about to relinquish resources in order to offset resource demands to promote indigenization of post-secondary education. Post-secondary education may well be the ultimate interest debate within society—a debate for nothing less than the hearts, minds, and intellectual and spiritual allegiances of coming generation(s). At the least, it is one of the most important. That status gives the interest conflicts within it a dimension that transcends ordinary, instinctive political-

economy jousting for larger, or at least undiminished, shares of what has become a zero-sum (or less!) resource pie.

Underpinning all these struggles for scarce resources, of course, is the question of what constitutes worthwhile knowledge, particularly knowledge worthy of being transmitted through higher education. That question is nothing less than a contest of civilizations, particularly in the case of indigenization of higher education that is infused to the marrow of its intellectual bones with Enlightenment understandings and rationales. A society which sees little or no value in Indigenous knowledge and ways of understanding and being can logically be expected to instruct its governments to resist investing scarce post-secondary-education resources in furthering such knowledge and ways of understanding and being. Only, ultimately, if societies come to see value in indigenizing higher-education will they be prepared to authorize their elected representatives to invest in it. That is the hard, final political-economy reality in the higher-education sphere of Kymlicka's constraint.

Although, as we have argued in *First Nations Educational Policy in Canada* (Paquette & Fallon, 2010), Indigenous ways of knowing overlap heavily with what Bertrand and Valois (1980) insightfully characterized as a "symbiosynergetic socio-cultural paradigm." This approach to ontology and epistemology is fundamentally different from that of post-secondary institutions that ultimately trace their intellectual heritage to the "industrial paradigm" that issued from the Enlightenment. Two overarching consequences arise from that ontological and epistemological chasm. First, post-secondary institutions, under intense pressure from governments to find private resources wherever and however possible and substitute them for reliance on the public purse, to reinvent their delivery modes and mechanisms toward that end, and, above all, to align themselves with market, and particularly employment-market, priorities,

are ill-disposed to share their credentialing prerogatives with Indigenous programs. They are reluctant to do so whether those programs are housed within the structure of existing public institutions or whether they are hosted directly by First-Nation communities or aggregate organizations. Second, mainstream post-secondary institutions are even less inclined to hive off portions of already strained resource bases to support either Indigenous programs *per se* or increased attention to Indigenous knowledge, understandings, and priorities within existing programs and courses. Lip service, of course, is cheap in this regard; fundamental change is expensive in every way that counts—from fiscal and human resources to public endorsement and support.

With regard to indigenization of post-secondary education, contemporary post-secondary institutions find themselves, therefore, at the epicenter of the collision of epistemic universes of vastly unequal power and status. The outcome of this collision matters. It matters greatly, in the first instance, to Indigenous peoples themselves. It also matters, however, to society at large, to Canadian and other Western societies so given over to neo-liberal values, ways of thinking, and ways of being that they are in sore need, in our view, of some balancing and redirection from Indigenous ways of thinking, understanding, and being. In the end, any such rebalancing will have to pass, if it does, by some considerable reinvention of post-secondary education in the direction of indigenization.

Recent Initiative in Indigenization of Post-Secondary Education:

The Case of British Columbia

We turn our attention now to an example of a recent initiative in indigenization of post-secondary education, the case of British Columbia. We look upon this case as illustrative of the

pitfalls that await attempts to indigenize post-secondary, and particularly university, education but make no claims to its generalizability across Canada or elsewhere.

The MacIvor Study and Its Lessons

MacIvor (2012) provides an illuminating critical overview of the history of Aboriginal presence in post-secondary education in British Columbia. She charts its triumphs as well as its challenges and failures. As someone who lived many of the events she discusses but retired in order to pursue a doctorate and academic life, her critical insights have plausible face-value insider-outsider critical status.

MacIvor chronicles a series of milestone policy changes. The first milestone in that policy chronology was the Report of *The Provincial Advisory Committee on Post-Secondary Education for Native Learners* (1989), the *Green Report*. The *Green Report* prioritized the following measures: “funding First Nations institutions; addressing cross-jurisdictional issues; establishing First Nations coordinators positions at public PSIs; funding First Nations language teacher training, transition, and community-based literacy programs; accrediting First Nations languages and teacher language training; and establishing accountability systems for both funding and First Nations participation and completion rates” (p. 94). It included a sketch of a “five-year implementation plan, along with cost-estimates” (p. 94). Among both Aboriginal and non-Aboriginal stakeholders it had a “certain cachet because it was developed by Aboriginal people.”

Notwithstanding its made-mainly-by-Aboriginal-stakeholders cachet, strong endorsement from the Ministry of Advanced Education, Training and Technology, and targeted funding to support some of its key initiatives, a number of its signature innovations such as

“Aboriginal coordinators” were resisted, sometimes with “incredible” determination, by certain post-secondary institutions—particularly those in the north—and even by institutions with a high proportion of Aboriginal enrollment (p. 98). Some seemingly significant changes, however, did occur. For instance,

Government began consulting with Aboriginal groups and appointed First Nations representatives to twenty-one PSIs’ [Post-secondary Institutions] governing boards. They also hired a Special Advisor on Aboriginal Programs, funded several First Nations institutions, and held meetings to address cross jurisdictional issues. The University of Northern BC agreed to develop an Aboriginal studies program and brought Aboriginal representatives onto its interim governing council. The Ministry also provided funding for several Aboriginal-controlled institutions; for hiring Aboriginal coordinators at public PSIs; and for First Nations language, ABE, transition, literacy, and curriculum initiatives. In addition, the Open Learning Agency began providing distance education to Aboriginal students throughout the province . . . (p. 97)

Other recommendations, such as “creation of a legislatively enacted provincial Council that would report to the Ministry and oversee the implementation of recommendations” (p. 105) were, predictably we would argue, never acted upon. In the end, direct provincial oversight of institutional-level implementation of the policy initiatives contained in the *Green Report* would have been unacceptably intrusive into institutional autonomy of post-secondary institutions, particularly universities, and all stakeholders, including the government, no doubt recognized that pragmatic political reality. Thus, the key “accountability measures” recommended in the report were political nonstarters from the beginning.

With accession of the NDP to power in British Columbia in 1991 a new initiative in Aboriginal post-secondary education began to take form. By 1995, within the context of growing concern, particularly on the part of government, about unresolved treaty and land-claims issues (concern greatly enhanced by the *Delgamuukw v. British Columbia* [1997, 3 S.C.R. 1010] decision) and the contribution of these to costly economic uncertainty, the Aboriginal Post-

Secondary Education and Training Policy Framework (British Columbia Ministry of Education, 1996a) received cabinet approval and implementation was slated to begin in May 1997.

Implementation of the framework, however, proved difficult and uncertain—not least because between 1991 and 2001, “the ministry responsible for PSE [post-secondary education] was restructured and renamed four times, and fell under the leadership of nine different Ministers” (MacIvor, 2012, p. 112). The first restructuring resulted in a Ministry of Skills, Training, and Labour (MSTL) and signaled greater emphasis on merging higher-education with workforce development and industrial relations. Overall, this emphasis translated into increased post-secondary institutional capacity and particularly more focus on technology and skills.

This movement toward lowering the profile of “academic” post-secondary education and rebalancing provincial education policy and practice toward greater inclusion of all aspects of “post-secondary education” was carried a step further in 1996, when the ministry was rechristened “Education, Skills and Training” (MEST). Out of this restructuring and realignment of priorities came *Charting a New Course: A Strategic Plan for the Future of British Columbia’s College Institute, and Agency System* (British Columbia Ministry of Education, 1996b). It was aimed at greater accountability in the college system and improvement in the employment prospects of graduates from it. *Charting a New Course* paid little specific attention to Aboriginal students but sought to improve equity of access for all students by reducing barriers for “equity groups” and non-traditional learners. Although they benefited from such measures, Aboriginal students benefited more materially from Aboriginal-specific initiatives, particularly creation of two public Aboriginal institutes and the 1995 Aboriginal Postsecondary Education and Training Policy Framework (British Columbia Ministry of Education, 1996a).

In the late 1980s, a coalition of educators interested in Aboriginal PSE organized into a group called the Association of Aboriginal Post-Secondary Institutions (AAPSI). By 1995 AAPSI counted 15 member Aboriginal institutions registered under both the Society Act and the Private Post-Secondary Education Act. Together, these institutions served some 1500 students (MacIvor, 2012, p. 115). At the same time, twenty-one Aboriginal coordinators worked in the college and institutes system of the province and a number of universities also hired Aboriginal coordinators (p. 115). These coordinators eventually organized into the British Columbia First Nations Coordinators (BCFNC), whose executive committee/“Council” became an influential policy voice, helping to shape relevant ministry policy.

Growing concern, including government and ministry concern, about low educational-participation and attainment rates and related social conditions of Aboriginal, and particularly First-Nations people in British Columbia combined with a sense of urgency to develop capacity for self-government in the wake of a treaty-development exercise that was expected to be much broader than it actually proved. Such sense of urgent concern led to a new Aboriginal post-secondary policy embodied in the 1996 framework. From the beginning, however, the ministry was challenged by a number of what MacIvor describes as “thorny” issues. One that we regard as an almost intractable paradox was the question of “what does Aboriginal control mean in a public institution” (p. 119). This question tended to distill into discussions of whether it made more sense to have independent Aboriginal institutions not tied to public credentialing standards or whether it made more sense to encourage public Aboriginal institutions that were less distinctively Aboriginal. In any case, ministry support for Aboriginal education increased from \$4.5 million in 1993–1994 to \$26.5 million in 1994–1995. This funding was, however,

“discretionary funding, project-based funding . . . to the institutes, both public and private . . .”
(p. 120).

The ministry and AAPSI shared concern about potential development of numerous small publicly-supported post-secondary Aboriginal institutes that would be financially unviable and fragment available capacity and funding to the detriment of meaningful Aboriginal post-secondary education in British Columbia. Together they developed funding criteria, perfectly rational from a provincial-policy and economy-of-scale perspective, criteria that included size of student population, length of operation to date, affiliation agreements with public post-secondary institutions, operational and institutional infrastructure similar to those of public institutions, and geographic distribution (p. 126). These criteria, however, disadvantaged small, remote Aboriginal institutions and these objected strenuously to the government–AAPSI compromise on funding criteria. A key insight that emerges from MacIvor’s overview of the history of Aboriginal post-secondary education in British Columbia is the degree to which conflict among different interest groups makes it difficult to work through ongoing paradoxes in Aboriginal post-secondary education, particularly when such education is accredited and funded by a province.

The Aboriginal Post-Secondary Education and Training Policy Framework (APF) that emerged from this process defines its objectives as increasing participation and success rates for Aboriginal students, supporting capacity building for self-government, establishing a long-term plan for capacity building for self-government in the “post-treaty environment,” and maintaining federal funding commitments for Aboriginal (quite strongly identified with First-Nation-specific concerns, however) post-secondary education and training. APF enunciates three general

principles that in fact mirror the mission statement of the provincial Ministry of Aboriginal Affairs at the time, namely:

1. relationships between Aboriginal people and all British Columbia are based on equality and respect;
2. Aboriginal people can fulfill their aspirations for self-determining and self-sustaining communities; and
3. all British Columbia can enjoy the social and economic benefits of cooperation and certainty (British Columbia Ministry of Education, 1996a, p. 2).

APF proposed three basic strategies for achieving its objectives:

1. strengthen public post-secondary institutions in meeting the needs of Aboriginal people;
2. stabilize partnership agreements between public and private deliverers of post-secondary education for Aboriginal people; and
3. provide for designation of public Aboriginally controlled institutions (British Columbia Ministry of Education, 1996a, p. 10).

APF laid out expectations that post-secondary institutions would eliminate barriers to success for Aboriginal students by providing “essential” student services delivered by Aboriginal coordinators and other means, including Aboriginal employment equity and outreach. It required post-secondary institutions to fund Aboriginal initiatives from their own base budgets and to include descriptions and measures of outcomes related to increased Aboriginal participation and success in their strategic plans and annual reports. It also mandated that institutions have Aboriginal Advisory Committees (MacIvor, 2012, p. 131). APF mandated creation and reinforcement of affiliation agreements by public institutions to promote “effective relationships” with Aboriginal affiliates as well as increased accountability by them for “quality and student outcome measurement” (p. 132). Although these requirements were criticized by some

Aboriginal partners as “paternalistic,” they were clearly viewed by the ministry as necessary to quality assurance. Under the framework agreement funding was provided, for a short time, to AAPSI for an Education Resource Centre.

The most immediate, although in itself quite problematic, impact of APF was designation of two Aboriginal public institutions. Implementation, within existing public post-secondary institutions proved slow, difficult, and at best partial. In short, implementation proved particularly problematic in public post-secondary institutions. This fact was even less surprising given that ministry spending on Aboriginal education declined from \$6.5 million in 1994–1995 to \$2 million in 1995–1996, immediately following approval by cabinet of the APF (p. 135). In addition, the ministerial amalgamation in 1998 that led to creation of the unified Ministry of Education, Skills and Training (MEST) brought in its wake abolition of the Aboriginal Education Branch and a major intensification of ministry focus on elementary and secondary education, especially in Aboriginal education (p. 137).

Affiliation agreements spawned by the APF had two great problems. First, they tended to be viewed by Aboriginal partners as paternalistic, because they vested ultimate control in the “parent” public institution. Second, most, although not all, of these agreements were with First-Nation partner institutions and this was unsatisfactory to non-First-Nation Aboriginal constituencies.

One of the biggest faux pas in, or rather contemporaneous with, the APF process was creation of the Institute of Indigenous Government (IIG) as the result of an understanding struck in the late 1980s and early 1990s between the Union of Columbia Indian Chiefs and then Premier Harcourt (who had committed himself earlier to funding a George Manuel Institute). Funding for this institute came as a surprise to many, including AAPSI, which supported creating a number

of institutes around the province as public institutions. Worse still, IIG started operations with only seventeen students and in this and just about every other way sidestepped APF criteria for public funding (p. 146). IIG was controversial and generally viewed as unhelpful to the goals of APF. In 2007 the Nicola Valley Institute of Technology (NVIT) absorbed what was left of IIG into its operations. NVIT was the only Aboriginal controlled institution that was legitimately eligible for public funding under the criteria established in APF. It was designated a provincial institute in September 1995—prior to the emergence of APF, in fact.

By 2001, about 50 “First Nations” coordinators, 22 directly funded by the ministry, “provided a wide range of services to aboriginal students, liaised between the public PSIs and aboriginal communities, and worked to ensure that institutional programming was meeting Aboriginal community needs” (p. 151).

Did APF ultimately fulfill its objectives of improving Aboriginal post-secondary participation, retention, and success rates? No one knows because relevant data were never collected. Some insight is available from partial and limited sources, however, but these data, among other shortcomings, “do not provide information on Aboriginal participation, success, or completion rates” and, in particular, “they provide no information on students who left the programs early, who could not be located, or who did not participate in several particular surveys” (p. 154).

Although available data sources do show apparent increases in Aboriginal participation in post-secondary education in British Columbia following implementation of APF, “Aboriginal students remain underrepresented in University, particularly in areas like commerce, information technology, and natural resource, environmental health sciences, areas of study [expressly] promoted through the APF” (p. 160).

In May 2001 British Columbia elected a Liberal government led by Gordon Campbell. Over the course of the decade that Campbell served as premier the relationship of the British Columbia government with Aboriginal people evolved considerably in the wake of growing awareness of the importance of Aboriginal rights, particularly, but by no means only in regard to land claims and related title issues, to a faltering economy under great pressure.

In a relatively short period of time Campbell and his government went on a considerable policy journey with respect to Aboriginal peoples in British Columbia. His 2001 election platform promised “a highly controversial referendum on treaty principles” (MacIvor, 2012, p. 176). Basically the referendum would ask for popular ratification of existing government policy with regard to treaty negotiations although one question asked if voters wanted to extend a municipal-style government to First Nations in British Columbia. From this very conservative and inauspicious starting point in terms of renewing relations with First Nations peoples, the government and its premier moved rapidly toward an emphasis on renewal and reconciliation—although little real movement occurred in the area of treaty (re)negotiation during the Campbell years. Notwithstanding that this radical refocusing of the Campbell government with respect to government-Aboriginal and particularly government-First-Nation relationships was fueled to a considerable extent by a series of court decisions that consistently struck down the kind of intransigence British Columbia had manifested with regard to Indigenous rights, particularly First-Nation resource rights, it surely figures among the most spectacular changes of direction of any government in Canadian history.

The 2003 B.C. Throne Speech “acknowledged and apologized for the province’s long history of colonial policies . . . [it further declared] that First Nations should benefit from economic development, as well as improvements to health care and education, and announced

shared forestry revenue with First Nations in exchange for certainty . . . [it] promised that the future will be forged in partnership with First Nations—not in denial of their history, heritage and culture” (MacIvor, 2012, p. 178).

Working within the principles laid out in the government’s February 2005 Throne Speech which in effect enunciated the government’s platform for reelection, Campbell and the First Nations Leadership Council jointly crafted a document called the New Relationship intended to promote relationships “based on respect, recognition and accommodation of aboriginal title and rights” between British Columbia and First Nations within its boundaries. In November 2005 Campbell hosted the First Ministers’ and Aboriginal leaders’ meeting that culminated in the ill-fated Kelowna Accord. The very day the Kelowna Accord was ratified the First Nations Leadership Council signed a Transformative Change Accord with British Columbia. The latter accord “aimed to establish new relationships between First Nations, Canada, and the Province based on respect and recognition . . .” (MacIvor, 2012, p. 180). While the Transformative Change Accord perished with the demise of the Kelowna Accord, British Columbia continued to pursue its objectives.

At a practical level, in the wake of New Relationship by 2010 British Columbia had concluded 61 agreements with First Nations that provided access to timber and another 145 agreements that gave First Nations access to both timber and revenue-sharing. Furthermore in 2010 the province introduced the Forest Consultation and Revenue-Sharing Agreements and by September, 2011, 59 First Nations had signed such agreements (p. 182). Taken with a small number of Strategic Engagement Agreements, \$100 million for capacity building for BC First

Nations, and Bill 46, the First Nations Education Act,⁷ all of this constituted nothing less than a minor revolution in provincial–First-Nation relationships. In 2008, because of “significant opposition from Liberal MLAs, business, First Nations and others, the Recognition and Reconciliation Act, a cornerstone legislative underpinning of the New Relationship was dead” (p. 184).

Against a backdrop of downsizing government, reducing the administrative costs of post-secondary education in particular, and progressive tuition deregulation, the Ministry of Advanced Education set about re-examining and reconstituting the 1995 Aboriginal Post-Secondary Education and Training Policy Framework (APF). During the ensuing consultation it became evident that the touchstone issue was conflict between the BCFNC’s insistence on directive language and policy compelling post-secondary institutions to move on aboriginal issues—particularly but not exclusively counseling support—and the government’s and ministry’s focus on institutional autonomy. Despite extensive consultation activities, no broad agreement, much less consensus, emerged for renewing APF. In a changing climate of government attitude toward relationships with Aboriginal people and the importance of post-secondary education for them, the Ministry of Advanced Education abandoned the idea of renewing APF and turned its attention instead toward developing a new Aboriginal post-secondary strategy.

A key idea that emerged from a 2005 Enhancing Communication and Partnerships—How Do We Work Together conference was that the province partner with the First Nations Education Steering Committee (FNESC) and other key players involved in aboriginal post-secondary education. Emergence of a B.C. Aboriginal Post-Secondary Education and Training

⁷ See in Paquette and Fallon, 2010, however, our considerable reservations about the degree of meaningful self-governance in education accorded by this legislation.

Partners Group (post-secondary education Partners or MOU Partners) unseated BCFNC from its historically privileged place at the consultation table with the ministry in regard to Aboriginal post-secondary education issues. That said, the ministry chose to revisit the institutional-autonomy question so important to BCFNC and began to talk about greater need for ministry leadership in Aboriginal post-secondary education, both through policy and targeted funding (p. 203).

Eventually, the Ministries of Advanced Education and Aboriginal Relations and Reconciliation developed a *Proposed Aboriginal Post-Secondary Education Strategy: Discussion Draft* (British Columbia Ministry of Advanced Education, 2006a). The result was government commitment to a strategy consisting of six key actions:

1. seek additional funding to establish a new sustainable and accountable funding mechanism for Aboriginal post-secondary education through the development of institutional Aboriginal Post-Secondary Enhancement Plans;
2. facilitate Aboriginal representation on institutional governance bodies;
3. develop a system-wide standard for data collection and tracking;
4. develop new performance measures focused on Aboriginal achievement;
5. work with the federal government to enhance support for Aboriginal learners; and,
6. revise the Aboriginal Policy Framework to reflect the Strategy. (British Columbia Ministry of Advanced Education, 2006b, p. 9)

The final strategy was released jointly by the ministry and premier in April, 2007. The strategy was intended to “close the educational gap for Aboriginal learners’ by increasing ‘access, retention, completion and transitions opportunities’; increasing institutional ‘receptivity and relevance’; and “strengthening partnerships and collaborations”” (MacIvor, 2012, p. 213). It was

also to promote “‘effective and accountable programs and services implementation and delivery’ . . . through measurement and monitoring” (p. 213).

To realize these goals the policy would:

- increase access, retention, and success for Aboriginal learners through implementation of Aboriginal Service Plans [at selected public post-secondary institutions];
- reduce financial barriers through targeted scholarships for Aboriginal learners;
- increase participation in strategic program areas;
- support Aboriginal learner transition;
- enhance opportunities for Aboriginal culture to be reflected within the infrastructure of institutions;
- increase the number of culturally relevant programs and services;
- encourage Aboriginal representation on institutional governing bodies;
- strengthen agreements and partnerships;
- [implement] effective planning based on system-wide data tracking and performance measures based on student success. (p. 216)

Ultimately the post-secondary education partnership envisioned in the original MOU from which it sprang was never realized. FNEESC came to dominate the discussions, Métis Nation British Columbia went its own way in the face of overwhelming First-Nation domination of the whole process, and the sole voice of non-status and urban Aboriginal people, the United Native Nations Society (UNNS) was torn by internal factional dissension and paralyzed by lack of capacity. Ministry commitment was at best token and the whole partnership-group suffered from fragmentation and lack of credible engagement with relevant stakeholders (pp. 234–237).

Little progress has been made with regard to developing system-wide data tracking and performance measures on Aboriginal post-secondary education students. The data that exist are

mostly quite uninformative “headcount” data deeply vexed with various practical and theoretical problems including, but not limited to, problems in defining reliably who is Aboriginal and how to equate participation in widely varying post-secondary education experiences (p. 240). The paucity and limited nature of these data also make it virtually impossible to determine whether the “strategy and action plan” had any real impact (pp. 246–247).

Success or Failure?

We do not wish to minimize or denigrate the efforts of British Columbia and its post-secondary institutions to engage with the problematic of “Aboriginal post-secondary education” or at least an important part of it. This was not “much ado about nothing”— but it was far from a stunning success either. Why?

First, and foremost, in our view it ignored an essential component of the larger Aboriginal post-secondary education problematic, namely the need for a significantly larger presence of Aboriginal knowledge and culture in post-secondary education generally. An important part of what needs to change here is what most post-secondary students learn and know about Aboriginal peoples, knowledge, and cultures. *Some* degree of *Métissage* (thoughtful and authentic blending of Aboriginal and non-Aboriginal knowledges and traditions) of post-secondary education in general is needed. The obstacles, of course, are many, beginning with the politically sensitive question of whether Aboriginal peoples are not, in fact, “a minority like all the others.” We have argued elsewhere (Paquette & Fallon, 2010) why a greater Aboriginal presence in public education at all levels would be a good thing for everyone concerned. We call attention to the fact that in 1999 the Montana Legislature passed an Indian Education for All Act

(IEFA)⁸ intended to give effect to a state-constitutional amendment dating from the early 1970s mandating educational goals and duties which reflect that “the state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity.” IEFA requires that teachers/faculty teach Indian history and culture at all levels, from kindergarten through college (thus including university in American usage). In recent years, elementary-secondary finance litigation has begun to challenge—successfully, it turns out (Supreme Court of Montana, 2005)—lack of funding to support these goals entrenched in the Montana Constitution and explicated in the IEFA. As Starnes observes, moreover, “although Indian Education for All (IEFA) is a Montana law, its implications, and the hope it represents, are not contained by the state’s borders. Whether or not there are large numbers of Native Americans or reservations in every region of the country, IEFA underscores a national challenge to our education system and to the educators within it” (Starnes, 2006, p. 186). Washington, Maine, and South Dakota have proposed similar legislation (Carjuzaa, 2009, p. 30).⁹

Second, at every turn, the stark reality of Kymlicka’s constraint has hamstrung successive attempts to provide post-secondary programs that better meet the needs of Aboriginal students and, more generally, a post-secondary environment that is more inviting and supportive of them. In MacIvor’s words, “importantly, ‘Kymlicka’s constraint’¹⁰ is always present, and highlights the need for Aboriginal educators, organizations, and their allies to work carefully and

⁸ The IEFA Act specifically provides in this respect that: “every Montanan, whether Indian or non-Indian, be encouraged to learn about the distinct and unique heritage of American Indians in a culturally responsive manner; and (b) every educational agency and all educational personnel will work cooperatively with Montana tribes or those tribes that are in close proximity, when providing instruction or when implementing an educational goal or adopting a rule related to the education of each Montana citizen, to include information specific to the cultural heritage and contemporary contributions of American Indians, with particular emphasis on Montana Indian tribal groups and governments.”

⁹ We are deeply indebted to Andrea Chisholm for pointing out all of these recent developments to us.

¹⁰ See above, p. 13.

strategically with government to build relationships, understanding, capacity and political will so that future policy developments better reflect Aboriginal aspirations for PSE” (p. 280).

Third, fragmentation of constituencies, particularly the cleavage between First-Nation and non-First-Nation stakeholders, is a substantial challenge to concerted action in this, as in all aspects of, Aboriginal education.

Fourth, a direct corollary of Kymlicka’s constraint, when resources are scarce, Aboriginal post-secondary education will take second place to provincial priorities. This is directly related to a fifth problem which we have examined extensively at the elementary and secondary level, namely the problem of *crossed lines of jurisdiction*. The *Green Report* assumed that one could make post-secondary education for Aboriginal students “accountable” to Aboriginal—particularly First-Nation—constituents. Leaving aside all the practical problems of data design and collection, how such a line of accountability could actually be implemented with resources coming from provincial governments responsible to all provincial voters for their decisions, particularly budgetary decisions, is far from clear.

Persistent reorganization of education, including post-secondary forms of education, over time also emerges from the MacIvor study as an important limiting constraint on any sustained and consistent implementation of effective policy in Aboriginal post-secondary education. So too in our view, at least implicitly, does the inevitable “four-year horizon” of political attention within the existing election timelines of Canadian provinces.

Finally, the issue of potential constitutional grounding of Aboriginal, and here we mean quite specifically First-Nation, education either as a treaty or inherent right does not even show up on the MacIvor/British Columbia policy scape.

Conclusion—Impossible Dream? The Best of Both Intellectual Heritages

In the best case scenario, Aboriginal post-secondary education will become a means of building stronger and deeper relationships between Aboriginal peoples and their non-Aboriginal counterparts as well as among Aboriginal peoples of diverse cultures themselves. It can become a means of integrating and strengthening both great intellectual heritages, non-Aboriginal and Aboriginal. Impossible dream—we think not, but one whose realization is fraught with difficulty and challenges. Among the most important of these are resources and control. Some of the resource and control issues might be sorted out as treaty and inherent-right questions around post-secondary education are resolved—or simply abandoned over time. We are confident that not all of them will be resolved within that legal and constitutional context, however. We hope that this paper will contribute to more informed and open discussion of these and other issues relevant to realization of the intellectual synergy that Aboriginal post-secondary education could provide. We also note by way of conclusion that this synergy can ultimately only be realized if Aboriginal knowledge and culture figure much larger on the mindscape of post-secondary education in Canada than is currently the case.

References

- Bertrand, Y., & Valois, P. (1980). *Les options en éducation*. Québec: Ministère de l'Éducation.
- British Columbia Ministry of Advanced Education. (2006a, April 22, 2013). Proposed Aboriginal post-secondary education strategy: Discussion draft's, from http://www.llbc.leg.bc.ca/public/pubdocs/bcdocs/403896/education_strategy.pdf
- British Columbia Ministry of Advanced Education. (2006b, March 1, 2006). Proposed Aboriginal postsecondary education strategy: Discussion draft Retrieved April 23, 2013, from http://www.llbc.leg.bc.ca/public/pubdocs/bcdocs/403896/education_strategy.pdf
- British Columbia Ministry of Education, Skills and Training. (1996a). *Aboriginal post-secondary education and training policy framework*. Victoria, BC: Author.
- British Columbia Ministry of Education, Skills and Training. (1996b). *Charting a new course: A strategic plan for the future of British Columbia's college, institute and agency system*. Victoria, BC: Author.
- Carjuzaa, J. (2009). Professional development for teacher educators to help them prepare their teacher candidates to integrate Montana's *Indian Education for All Act* across the K–12 curriculum. *International Online Journal of Educational Sciences*, 1, 29–47.
- Delgamuukw v. British Columbia*, [1997] S.C.J. No. 108, 1997 CarswellBC 2358, 1997 CarswellBC 2359, 220 N.R. 161, 153 D.L.R. (4th) 193, [1997] 3S.C.R. 1010, 99 B.C.A.C. 161, 162 W.A.C. 161, [1998] 1 C.N.L.R. 14, [1999] 10 W.W.R. 34, 66 B.C.L.R. (3d) 285 (S.C.C.).
- Escobar, A. (2010). Latin-America at a crossroad: Alternative modernizations, post-liberalism, or post-development? *Cultural Studies*, 24, 64.
- Flanagan, T. (2000). *First nations? Second thoughts*. Montreal: McGill-Queen's University Press.
- Indian Act, R.S.C., 1985, c. I-5.
- Indian Education for All Act, Montana State Law M.C.A. 20-1-501 (1999).
- MacIvor, M. K. (2012). *Aboriginal postsecondary education policy development in British Columbia, 1986–2011*. Doctoral dissertation, University of British Columbia, Vancouver.
- Macklem, P. (2001). *Indigenous difference and the Constitution of Canada*. Toronto: University of Toronto Press.

- McIvor v. Canada (Registrar, Indian and Northern Affairs)*, [2007] B.C.J. No. 1259; 2007 BCSC 827.
- Paquette, J. (1986). *Aboriginal self-government and education in Canada* (Vol. 10). Kingston, ON: Institute of Intergovernmental Relations, Queen's University.
- Paquette, J., & Fallon, G. (2008). First-Nations education and the law: Issues and challenges. *Education & Law Journal*, 17, 347–378.
- Paquette, J., & Fallon, G. (2010). *First Nations educational policy in Canada: Progress or gridlock*. Toronto: University of Toronto Press.
- Provincial Advisory Committee on Post-Secondary Education for Native Learners. (1989). *Report of the Provincial Advisory Committee on Post-Secondary Education for Native Learners*. Vancouver: Author.
- R. v. Marshall; R. v. Bernard*, [2005] 2 S.C.R. 220.
- R. v. Gladstone*, 1996 CarswellBC 2305, 1996 CarswellBC 2306, [1996] S.C.J. No. 79, [1996] 9W.W.R. 149, 23 B.C.L.R. (3d) 155, 50C.R. (4th) 111, 200N.R. 189, 137D.L.R. (4th) 648, 109 C.C.C. (3d) 193, 79 B.C.A.C. 161, 129 W.A.C. 161, [1996] 2 S.C.R. 723.
- Sen, A. (2009). *The idea of justice*. Cambridge, MA: Belknap Press of Harvard University Press.
- Starnes, B. A. (2006). Montana's Indian education for all: Toward an education worthy of American ideals. *Phi Delta Kappan*, 88, 184–192.
- Supreme Court of Montana, 2005 MT 69; 326 Mont. 304; 109 P.3d 257; 2005 Mont. LEXIS 79.
- Turner, D. (2006). *This is not a peace pipe: Towards a critical Indigenous philosophy*. Toronto: University of Toronto Press.
- Widdowson, F., & Howard, A. (2008). *Disrobing the aboriginal industry: The deception behind Indigenous cultural preservation*. Montréal & Kingston: McGill-Queen's University Press.
- Wilkins, K. (1999). But we need the eggs: The royal commission, the Charter of Rights and the inherent rights of Aboriginal self-government. *University of Toronto Law Journal*, 49, 53–121. Retrieved from <http://ql.quicklaw.com/qltemp/C2KocgMdFklfToDJ/00003utlj-00000062.htm>