

MODERN TREATIES

THE STATE OF THE SCHOLARLY RESEARCH: WHAT ARE THE GAPS?

Making Treaties Work for Future Generations
Implementation Research Planning Conference

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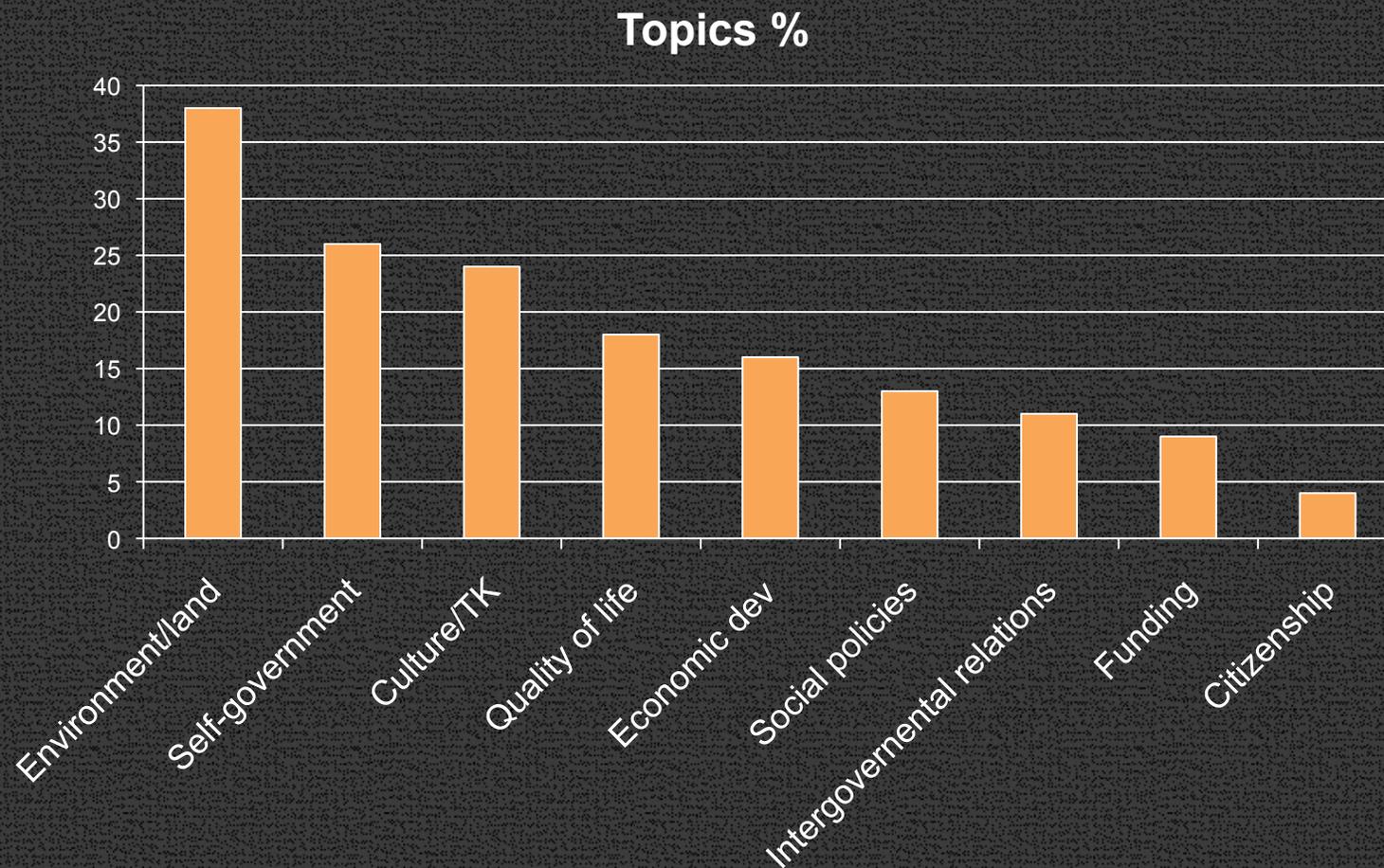
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Scientific Literature on modern treaties since 1995

+/- 108 scientific articles and 28 books (partial search)

- Negotiation process / conditions
- Content analyses
- Legal aspects
- Environmental / land management impacts
- Self-government / governance
- Cultural aspects / Indigenous traditional knowledge
- Quality of life impacts / outcomes
- Economic development
- Social policy / education / Health
- Implementation challenges / government relations
- Funding / financing issues
- Citizenship / membership

Scientific literature on modern treaties



Why academics study modern treaties?

- The meaning of modern treaties (from Indigenous / non-indigenous perspectives)
- Do modern treaties foster more equal/just relationships?
- Modern treaties as instruments of self-determination?
- Can modern treaties foster better environmental management practices?
- Are treaties conducive to better quality of life, economic development?
- Treaties as vehicles for traditional knowledge, culture, language?
- How governments (federal, province, territories) adapt to modern treaties?

The answers vary...

- Treaties can be transformative, but many constraints
 - Legal, fiscal, political
 - Profound gap persists as to the meaning of treaties
 - Nation to nation relationship more a discourse than a reality
 - Depends on capacity/skills/openness of treaty partners, pragmatism
- Treaties can be more conducive to Indigenous control over lands and resources, but again serious limits - provincial/territorial jurisdictions
- Treaties can be “Trojan horses” for capitalism, Euro-Canadian modes of governance, culture, way of life
- Sharp divides in literature on socio-economic impact of treaties

The Gaps

- Not much literature on implementation process
 - Focus tend to be on « impact » of treaties, not how to implement them
- Questions that are largely absent
 - Treaties as learning process – how do we establish new relationships?
 - Treaties as transformative process – how peoples/communities/relations change over time?
 - Treaties as space for innovations – new ways of doing things?
- Comparative work is limited
 - Focus tend to be on single community/process/treaty
 - Comparing content / institutions / mechanisms
 - Comparing implementation successes/challenges
- Very little “measurable”
 - Data on implementation and implementation mechanisms
 - Data on funding structures, budgets, etc.

The Gaps - where to go from here?

- As of today, there are very few comprehensive study of treaty implementation in Canada – most research is issue-focused
 - Data driven comparative overview
 - What are the common challenges in “the politics of implementation”?
 - What is changing / not changing?
 - Capacity to draw general conclusions from multiple experiences
- Why this matter?
 - A theory of implementation (explanation)
 - A practical guide for action on implementation
- Collaborative research is key
 - What lessons can we draw from experiences / successes?
 - Importance of dialogue with / leaning from practitioners