



LUND UNIVERSITY
Faculty of Social Sciences

Lund University – Graduate School
Master's of Science in Global Studies
Department of Political Science

SIMV07
Term: Spring 2015
Supervisor: Erik Ringmar

La plus ça change, la plus ça reste la même

An analysis of violence and conflict in Indigenous-
Canadian government relations, and missing and murdered
Indigenous women

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“La plus ça change, la plus ça reste la même”

- An epigram by the author Jean-Baptiste Alphonse Karr, which translates as “The more it changes, the more it remains the same.”

Abstract

The aim of this thesis is to investigate the Canadian government's stance on addressing the issue of missing and murdered Indigenous women, and to perform an analysis of ongoing violence and asymmetric conflict in Indigenous-Government of Canada relations. The Canadian government's approach in regards to holding a national inquiry into the issue of missing and murdered Indigenous women in Canada was placed into the broader context of Indigenous peoples in Canada in order to understand the logic behind the government's refusal and response. This was done by performing a deductive thematic analysis on gathered discourse and developed context, drawing the applied themes from the forms of violence outlined in Galtung's violence triangle. As the results of the analysis indicated the clear presence of violence, both in the situation of missing and murdered Indigenous women as well as the broader context of relations, Galtung's conflict triangle was employed to understand the significance of this violence. From this secondary analysis it was concluded that the issue of missing and murdered Indigenous women, as well as the government's response, constitutes just one event in a much larger ongoing full conflict in Canada based on the underlying logic of settler colonialism and territorial gain.

Key words: missing and murdered indigenous women, violence, aboriginal, Canada, conflict

Word count: 20 000

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1. Introduction

“It’s very clear that there has been very fulsome study of this particular... of these particular things. They’re not all one phenomenon. We should not view this as a sociological phenomenon. We should view it as crime.”

- *Canadian Prime Minister Stephen Harper, CBC News*

The body of Tina Fontaine, a fifteen-year-old girl from Sagkeeng First Nation, was found on the 17th of August, 2014, after it had been wrapped in a bag and thrown into the Red River in Winnipeg, Manitoba (Puxley & Lambert, 2014). The above statement was made by Canadian Prime Minister Stephen Harper on the 21st of August, 2014, in response to calls for a national inquiry¹ into the cases of nearly 1 200 missing and murdered Indigenous women, calls which had been renewed following the discovery of her body (CBC News, 2014).

According to a recent report from the Royal Canadian Mounted Police (the national police force of Canada, also known as the RCMP), in the past thirty years there have been 1 181 cases of missing and murdered Indigenous women in Canada filed by its officers (Royal Canadian Mounted Police, 2014: 03). This means that while Indigenous women account for only 4.3% of women in Canada, they account for 11.3% and sixteen percent of missing and murdered women in Canada, respectively. Over this same timeframe non-Indigenous women, making up 95.7% of women in Canada, accounted for roughly 6 730 cases, or eighty-five percent, of missing and murdered women (Royal Canadian Mounted Police, 2014: 08-09). To provide some scope to this statistic, when adjusted for the size of the general Canadian population rather than solely Indigenous women, had all women in Canada been going missing and murdered at the same rate, in the past thirty years at least 18 000 non-Aboriginal Canadian women would have disappeared or been murdered (Canada. Parliament. House of Commons. Standing Committee on

¹ A national inquiry is an official public investigation regarding significant events or issues of public importance, and is empowered with the ability to compel witnesses to give evidence. The aim of an inquiry is to explore the facts and determine the causes of the situation under investigation, ideally to provide recommendations to the government towards an active response (Makarenko, 2007). One such example is the Royal Commission on Aboriginal Peoples which, when published in 1996, put forward 444 recommendations towards ameliorating the conditions faced by Aboriginals in Canada. The majority of those recommendations were never acted upon (Cullen, 2014).

the Status of Women. 2011: 14). Following the release of the report by the RCMP, despite increasing calls for a national inquiry to broaden understanding and towards creating a plan to address this crisis, the federal government has consistently refused, with Prime Minister Stephen Harper recently stating in an interview that, “[i]t isn’t really high on our radar, to be honest” (Rhoad, 2015).

With the recent unprecedented calls for a national inquiry, it is easy to assume that what many are deeming a serious sociological phenomenon of missing and murdered Indigenous women in Canada is a fairly recent one. It is however a phenomenon which has been very slowly and gradually attracting increasing attention from the general public in Canada over the past few decades. In fact, while the reported numbers and heightened interest suggest that the problem is getting worse, or at least more visible, the issue of marginalisation and violence against Indigenous women can be argued as having been present for a couple of centuries (Kubik, Bourassa & Hampton, 2009: 21).

In recent years there has been an international rise in awareness of issues and circumstances facing Indigenous Peoples around the world. This awareness, aided in part by the United Nations and their promotion of the United Nations Declaration on the Rights of Indigenous Persons (UNDRIP) has helped to shed light on a series of struggles and discriminations which have tended to occur internally to states and out of sight of the international community. In Canada specifically, there are many ongoing sites of struggle which are developing from points of contention between Indigenous peoples and various governments, groups, and corporations, on issues ranging from identity and territorial rights, self determination, significant and pressing poverty, resource development, education, health, and the aforementioned crisis of missing and murdered Indigenous women. Furthermore, although it has not garnered the same level of media attention, it is important to mention that another crisis which must be addressed in Canada is the issue of missing and murdered Indigenous men, which has only begun to arise in public discourse, with indications that Indigenous men are murdered at a rate higher than Indigenous women (Andrew-Gee, 2014).

With sites of struggle found so completely throughout the lives of so many Aboriginal peoples, the quote of Prime Minister Stephen Harper regarding the appropriate lens through which to view the missing and murdered Indigenous women must be evaluated. Contrary to the Prime Minister's statement, it is clear that the crisis of missing and murdered Indigenous women is part of a far deeper problem than just constituting a series of unrelated crimes. The question is however, which lens is an appropriate one?

1.1 Aim and Research Question

This paper builds from Canadian Prime Minister Stephen Harper's dubious assertion that the situation of missing and murdered Indigenous women should not be considered a sociological phenomenon but rather nothing more than a matter of criminal activity. The aim of this master's thesis is to respond to this suggestion, and in turn to posit that the correct lens through which to view the pressing crisis of missing and murdered Indigenous women is in fact one of asymmetric conflict, rather than crime. Within the parameters of this thesis, the label of asymmetric conflict is given due to the significant imbalance in resources (eg. economic, power) from which the involved sides can draw on to further their cause (Dunne, García-Alonso, Levine & Smith, 2006: 186).

This argument was developed through following the formulated research question of:

How should the Canadian government's refusal and response to demands for a national inquiry into missing and murdered Indigenous women be understood?

This research question will be answered through the application of Galtung's theories on violence and conflict, and against a backdrop of settler colonialism. It will be argued that if analysed within the greater context of recent government policy and action, the federal government's refusal to call a national inquiry into the crisis of missing and murdered Indigenous women in Canada can be explained as just one move in a larger, ongoing asymmetric conflict in Canada.

This state of conflict between the Indigenous peoples of Canada and the government of Canada will be demonstrated through the analysis of the federal government's proposed plan of action to address these crimes, as well as other recent policies significantly affecting Aboriginal peoples in Canada. Furthermore, analysis will draw on the rhetoric which has been developed around these areas of policy, and how they compare to available evidence.

At this stage it is important to specify that the purpose of this paper is not to argue for, or to suggest, partisan motives on the part of the current Canadian government in how their relationship with Indigenous peoples is conducted. The purpose is to demonstrate the presence and consequences of an underlying and ongoing trend of settler logic in Indigenous-Canadian government relations. Indeed, it is important to remove this discussion from a partisan context, and draw attention to the underlying reasons the current push for an inquiry into the situation of missing and murdered Indigenous women in Canada has been met by the stark refusal of the current Canadian government. The precariousness of life faced by Aboriginal peoples in Canada is by no means a new situation, and while not all blame should be distributed equally, it cannot be laid at the feet of any one government or political party, but must be shared due in part to the collective inaction.

1.2 Terminology

In order to provide clarity on the terms being used in this paper, and to avoid the need to continuously provide definitions throughout the text, it is necessary to define and differentiate certain key terms which will be used throughout the document.

Aboriginal Peoples

The term *Aboriginal Peoples* is a general term used which, in the Canadian context, encompasses the three main categories of original peoples of Canada: Indians (First Nations), Métis, and Inuit. The official use of this term was defined

in Canada's Constitution Act of 1982, under Section 35 (2) (Statistics Canada, 2013).

First Nations

First Nations is a term which has come to replace the use of "Indian" in Canadian discourse, and refers to the non-Inuit or Métis original inhabitants found across the country. The singular *First Nation* is used to describe specific nations or communities (Aboriginal Affairs and Northern Development Canada, 2013). This is with the exception of legal contexts where the use of Indian still applies when discussing "Status Indians" and "Non-Status Indians", a distinction which relies on identity recognition by the Canadian government and is registered under the Indian Act, 1985 (Palmater, n.d.).

Indigenous Peoples

In the Canadian context, *Indigenous Peoples* is a term which is interchangeable with *Aboriginal Peoples*. It is as well often used with an international context (such as the United Nations Declaration on the Rights of Indigenous Peoples) incorporating and linking not only Aboriginal Peoples in Canada, but as Indigenous Peoples in other countries, including, but not limited to, the Maori in New Zealand and Aborigines in Australia (Inuit Tapiriit Kanatami, n.d.).

Inuit

The term *Inuit*, meaning "the people" in Inuktitut (a principal Inuit language), refers to certain Aboriginal peoples living in the Canadian Arctic, ranging from Labrador and Québec, through to Nunavut and the Northwest Territories (Aboriginal Affairs and Northern Development Canada, 2010).

Métis

While often applied in a more general sense to those people of mixed Aboriginal and European heritage, legally *Métis* refers to those peoples descendent from a

mixed Aboriginal and either Scottish or French heritage, and, “who have continued ties to a historical Métis community, and are accepted as such by that community” (Ouellet & Hanson, n.d.).

Indian Reserves

Indian Reserves or “*Reserves*” are parcels of land which are held by the Crown and under the authority of the Minister of Aboriginal Affairs and Northern Development. Under the Constitution Act, 1867 (Pasternak, 2014: 152), the creation and right to inhabit these reserves was granted exclusively to Indian bands (now First Nations), though legally they remain under the jurisdiction and discretion of the Minister (Hanson, n.d [b]).

Settlers

The term *Settlers* is broad in scope and can be seen as describing those, “peoples who occupy lands previously stolen or in the process of being taken from their Indigenous inhabitants or who are otherwise members of the “Settler society”” (Barker, 2009: 328), and can apply both to those who are “born in Settler states and immigrants who intentionally come to occupy Indigenous territories” (Barker, 2009: 329).

1.3 Literature Review

Considering that Canada’s formation as a modern country in the European style was a direct result of the colonising policies and efforts of both the English and the French, academic research exploring and discussing Canada’s colonial history, as well as its consequences and ongoing results, is understandably quite extensive.

A common causal trend found throughout much of the literature regarding the contemporary issues faced by Indigenous populations was not only the ongoing effects resulting from this historical colonialism, but that deepening social problems in Canada are connected to a current and ongoing form of colonialism,

called settler colonialism. At its most basic, settler colonialism describes a form of colonialism which is less focused on the exploitation and gain of resources and labour and more centred on the aim of gaining territory (Wolfe, 2006: 388), a process which requires that, “the colonists displace or eliminate the natives wholesale” (Sánchez & Pita, 2014: 1041). From previous academic research on Canada’s colonial history, it is clear that while there are those who still apply postcolonial theory to the Canadian context (Kubik, Bourassa & Hampton, 2009: 21), categorising Canada as a state with a history and ongoing reality of settler colonialism has become more common (Barker, 2015: 44; Maddison, 2013: 288; Pasternak, 2014: 147).

This colonial history and ongoing reality has been described as being at the root of contemporary social issues currently faced by Indigenous peoples, and has been connected to a broad range of contemporary and pervasive problems (Kubik, Bourassa & Hampton, 2009: 19). Drawing from extensive research, in an article looking at the poverty of First Nations in Canada, Pamela Palmater brings the reality of colonialism to the present. In stating that, “[...]while historical colonial laws and policies created the dependency relationship, current federal laws and policies maintain the national crisis of poverty in First Nations which in turn, results in their premature deaths” (Palmater, 2011: 113-114), Palmater clearly indicates the ongoing colonial nature in policy and government mindset, and the disastrous effect this has on Indigenous communities.

One such government initiative, often remarked upon as genocidal in nature, which has had long lasting and far-reaching reverberations spanning generations of Indigenous peoples and across all aspects of life was the use of Indian Residential Schools, a programme which ran primarily from the 1870s until the last residential school closed in 1996 (Nagy & Sehdev, 2012: 67). Far from being the only people to focus on the legacy of Indian Residential Schools in Canada, Cindy Blackstock and Nico Trocmé have focused on the generational continuity of the issues resulting from being forced to attend these schools. They argue that due to this government initiative, both in the experiences of abuse (sexual, physical, emotional, etc.) of the Indigenous children in these schools, as well as

the goal of removing children from, and cutting their ties to their families, communities, and cultures, “[c]hildren in residential schools did not experience healthy parental role modeling and as a result had a diminished capacity as adults to care for their children” (Blackstock & Toomé, 2005: 15). The result of this has led to significant social problems, which for Blackstock is indicated in part by the fact that as of 2010 there were more Indigenous children in care than there had been even during the time of residential schools, numbering at an estimated 27 000 children. Blackstock makes the significance of this number all the more apparent when she clarifies that not only does this constitute roughly forty percent of children in care in Canada, but that with Indigenous children accounting for five percent of children in Canada, this shows a drastic disproportionate overrepresentation of about eight hundred percent (Blackstock, 2011: 187).

This disproportionate overrepresentation of Aboriginal people in a context of social problems is exclusive neither to children in care, nor to Canada alone. When looking at criminal justice systems, the overrepresentation of Aboriginals is evident in other countries with Indigenous populations, such as New Zealand and Australia. For example, in Australia, Aboriginal peoples make up less than three percent of the population, yet Aboriginal youth constitute fifty-four percent of those incarcerated (Corrado, Kuehn & Margaritescu, 2014: 41). In Canada, although Aboriginal peoples only make up roughly 3.5% of the adult population, Christine Hurst of the Office of the Correctional Investigator indicates that twenty-three percent of adults in federal prisons are Aboriginal, with that number rising to roughly thirty-three percent of adult women. Hurst goes on to demonstrate that while it varies from province/territory to province/territory, when averaged out this overrepresentation is mirrored in provincial and territorial correctional institutions (Hurst, 2014: 08).

Commenting on the roots of issues such as these, and the state's attempt to define Indigenous identity, Maddison highlights the situation created by settler colonialism, commenting that, “[a]ssociated policies of child removal and assimilation were explicitly intended to erase the Indigenous presence...” (Maddison, 2013: 289). While focusing on Australia and the marginalised

Aboriginals and Torres Strait Islander people, Sarah Maddison argues that these social situations, occurring both in Australia and elsewhere, are the result of structural and cultural violence directed at Indigenous populations on the part of the state through its policies (Maddison, 2013: 289-290).

In using different forms of violence to describe the relationship between Indigenous peoples and settler colonial states, Sarah Maddison is not alone. Pedersen, Malcoe and Pulkingham bring the framework of structural violence into the analysis of social situations faced by marginalised Indigenous populations. When researching rates of postseparation intimate partner violence (PSIPV)² in Canada, Pedersen, Malcoe and Pulkington use structural violence as a way to understand the significantly higher rates of PSIPV experienced by Aboriginal women, as compared to rates experienced by non-Aboriginal women (Pedersen, Malcoe & Pulkington, 2013). Carmela Murdocca on the other hand, takes up the question of violence and settler colonialism when discussing the water crisis faced by many Aboriginal communities across Canada and the inadequacy of, and logic behind, the government's response to such crises (Murdocca, 2010).

Turning to literature and research into the situation of Indigenous women, Kubik, Bourassa and Hampton argue that colonisation and government policy in Canada has been particularly destructive and oppressive towards Indigenous women and their roles in their societies, "because of this racist ideology and by the pervasive sexism inherent in that ideology" (Kubik, Bourassa & Hampton, 2009: 19). These policies and attitudes have, both directly and indirectly, negatively affected the social determinants of health of Indigenous peoples, leading to a situation where no group in Canada is as affected by, or suffer higher rates of poverty and violence, as Indigenous women (Kubik, Bourassa & Hampton, 2009: 23-25). The extreme of this situation is that in a recent report of the Royal Canadian Mounted Police it was stated that, by their count, between 1980 and 2012 at least 1 181 Indigenous women have gone missing or been murdered in Canada (Woroniak, 2014: 20).

² Postseparation intimate partner violence (PSIPV) is understood as violence suffered at the hand of a former intimate partner following separation, as opposed to intimate partner violence (IPV) which is violence suffered while in a relationship (Pedersen, Malcoe & Pulkington, 2013: 1035).

1.4 Problematisation

Regarding the case at the centre of this analysis – that of missing and murdered Indigenous women and in particular the Government of Canada's recent response and policy to this ongoing issue – while there has been much discussion through organisations, the media, and political parties on the topic, it has not been possible to find any academic literature discussing and analysing the government's current plan of action. This is not unexpected due to the fact that the government's plan of action for addressing the ongoing issue was only presented in September, 2014 (Status of Women Canada, 2014). This does however demonstrate a clear and present gap in academia.

From this lack of academic analysis on the action plan of the Canadian government, it is important to explore the government's decision and associated rhetoric on this pressing situation, analysing and placing it within the larger context of recent government policy decisions. It is an essential step towards understanding the dynamics of the current relationship between Indigenous Peoples of Canada, and the Canadian government.

The logic of approaching this thesis through a framework of violence is supported through a couple of aspects found both in this central case, as well as from the literature review. The first point develops from the statement of Prime Minister Stephen Harper regarding crime as being the correct lens, rather than one of sociology, through which to view the situation of missing and murdered Indigenous women. Regardless of lens used, due to the context the central presence of violence is held in common, suggesting that this is a natural point of departure for analysis. The second point follows the demonstrated connections made by authors in the literature review, while analysing and describing the ongoing context of Indigenous peoples. Between the presence and discussed nature of settler colonialism, as well as the reality reflected in the destructive nature of government policies affecting Aboriginal peoples, violence can be argued as being central to the Indigenous experience.

1.5 Disposition

Chapter 1 has outlined the main argument and research question of this paper, and provided definitions of key terms which will be used throughout this work. The groundwork for the thesis was subsequently laid by providing a brief review of relevant academic research, followed by the problematisation and justification of the argument and approach taken. In Chapter 2, the background and contemporary context of Indigenous peoples in Canada, as well as the context surrounding missing and murdered Indigenous women and the Canadian government's response and plan of action will be explored and discussed.

In Chapter 3 the thesis will turn to setting up and outlining the theoretical framework and concepts which are essential for the analysis of the data, as well as understanding the central argument of this thesis. Chapter 4 will then outline the research method selected for the research and analysis undertaken in this thesis, drawing connections between the theory and method and the process of analysis.

Moving on into Chapter 5, the analysis will be performed by first analysing the recent situation and context of the Canadian government's decision on a national inquiry into missing and murdered Indigenous women, followed by the larger Indigenous-Government of Canada relationship. The two analyses will then be brought together in order to assess the greater situation and presence of violence in the ongoing situation, incorporating the theory to understand the results.

Chapter 6 will then discuss the findings of violence, considering them in a broader understanding of conflict, and will develop the argument of this thesis in order to respond to the research question stated in section 1.1. Chapter 7 will comprise of a final conclusion, summarising the thesis and looking forward from Chapter 6's discussion.

2. Background

The background necessary for understanding the situation being analysed by this thesis will be outlined in two parts. First, the background will briefly develop a context of the general situation faced by many Indigenous people and their communities in Canada on a daily basis and how this relates to the vulnerability of Indigenous women and communities. As the main focus of this thesis, the second section will explore the background of missing and murdered Indigenous women in Canada.

Though extensive, the described background is necessary to provide a proper understanding of the realities of situations faced by Indigenous women and communities in Canada. The true scope and depth of this crisis cannot be well understood through a minor selection of cases.

2.1 General Background of the Indigenous Situation in Canada

By the most recent estimates, there are currently over 1.4 million Aboriginal people in Canada, with roughly fifty percent of Aboriginals living in urban centres across the country (Statistics Canada, 2014). It is therefore important to stress that the pressing issues facing Aboriginal peoples and communities in Canada are not exclusive to reserves, nor do they affect all communities equally. These issues are ones which transcend location and speak to deeper social problems. Many connect these to the legacy of government policies and programmes, such as Residential Schools, which created a context of heightened vulnerability, to which Indigenous women are particularly subjected (Rhoad, 2013: 30).

In order to more clearly understand the root of this situation in Canada, it is necessary to expand on the aforementioned concept of settler colonialism. As previously mentioned, settler colonialism is a form of colonialism which is centred on the primary goal of territorial gain and the replacement of the indigenous population which resides in the desired territory (Wolfe, 2006: 388). This replacement can occur primarily through methods such as extermination, assimilation, or displacement from traditional territory (Veracini, 2014: 626), a

process of settler colonialism which Patrick Wolfe describes as being supported through the “logic of elimination” (Wolfe, 2006: 387). This logic is based on the premise that in order to create a new society and new culture, it is necessary to destroy that which was there to before, thereby rendering any previous claim to territory null and void. It is for this reason that this destruction and replacement can utilise methods that go beyond basic extermination (Wolfe, 2006: 402); assimilation can destroy a culture just as effectively as extermination can kill its people.

The presence of settler colonialism does not preclude the possibility of regular colonialism occurring at the same time. A key difference however, is that whereas the standard form of colonialism has developed into situations categorised as neocolonialism and post-colonialism, it is argued that settler colonialism should be seen as a process or, “a structure rather than an event” (Wolfe, 2006: 390). Therefore, with settler colonialism being structured more as a process motivated by the logic of elimination than as an event, it stands to reason that until the Indigenous presence has been eliminated the process cannot then, by definition, be complete. Once this is understood, exploring the situation faced by Indigenous peoples in Canada through this lens and the logic of elimination, one sees clear and demonstrable differences between the realities of Indigenous peoples and those of the general settler population which have been affected by the structure of the relationship between the two.

Looking at these differences, it is logical to start the discussion by looking at the effect that the Indian Act, which was first passed in 1876 (though has since been amended in a number of ways), has on Indigenous lives. Although it was the Constitution Act of 1867 which, as previously mentioned in section 1.2, legislated creation of reserves for First Nations while leaving the control and direction of reserve lands in the hands of the Crown, it was the Indian Act of 1876 which outlined the real relationship between the Canadian government and the “Indians”. Through consolidating previous legislation on First Nations, namely the *Gradual Civilization Act* of 1857 and the *Gradual Enfranchisement Act* of 1869, the Indian Act outlined the operating and use of reserve land which had

been created by the Constitution Act, such as forbidding any use of reserve land by Aboriginals beyond that necessary for personal sustenance and survival, as well as reinforcing the end goal of assimilation of Indigenous peoples into Canadian society (Hanson, n.d. [a]). This was accomplished over time through the use of the Indian Act to ban a variety of important cultural practices integral to the continuity of Aboriginal cultures, as well as strict, government imposed strict definitions regarding who could actually qualify as “Indian”, or First Nations (Hanson, n.d. [a]).

The targeting of the status of Indigenous women was particularly evident in how although in many Aboriginal societies women held positions of influence and power (Harry, 2009: 6-7), the *Indian Act, 1876*, subjugated women to a status of being less than equal, declaring that an “Indian” was one of three things: “First. Any male person of Indian blood reputed to belong to a particular band; Secondly. Any child of such person; Thirdly. Any woman who is or was lawfully married to such person,” (*Indian Act, 1876*, SC 1876, c 18, s 3). Therefore the status of a woman was entirely dependent on her husband. Should an “Indian woman” marry a settler man she would lose her “Indian” status and be refused the right to live on reserve, whereas should an “Indian man” marry a settler woman, she would gain “Indian” status (Indigenous Foundations, n.d.).

The Indian Act has had many amendments over time. In 1985, one of the most significant amendments was passed, Bill C-31, which primarily sought to incorporate gender equality into the Act, as well as restoring Indian status to those from whom it had been stripped. The result was controversial as it also served to strip status from those who had gained it, “only through marriage, rather than descent” (Indigenous Foundations, n.d.). This demonstrates that although status and identity were regained by those from whom it had been removed, the government was still strictly controlling who could identify as an Aboriginal person.

It is in the Indian Act, regardless of which version or in light of whichever amendments that have been made in the 139 years since the initial version was passed, that there is a clear and obvious example of violence against Indigenous

peoples of Canada (Hanson, n.d. [a]). In discussing the dynamic created by the Indian Act, Shiri Pasternak describes how, “Indigenous peoples – much like firearms and motor vehicle registrations – have been gradually transformed into objects of jurisdiction rather than subjects in nation-to-nation relationships” (Pasternak, 2014: 152). Indigenous peoples of Canada are treated less as partners (or even people) and more as just another area to legislate. This control over all aspects of Aboriginal lives, destroying connections to culture and family, constraining who they are, as well as limiting how and where they can live (Hanson, n.d. [a]), and originally defining Aboriginal people as something other than ‘persons’ (*Indian Act, 1876*, SC 1876, c 18, s 3), all speaks to a historically hostile approach to addressing the Aboriginal population in Canada.

This has understandably had negative effects on Indigenous peoples. Beyond the aforementioned highly disproportionate rate of Indigenous peoples in prison and Indigenous children in care (highlighted in section 1.3), the direness of the current situation is clearly supported by statistical evidence, with poverty a clear and pressing issue. As will be discussed further in section 5.2.2.2, Indigenous peoples in Canada suffer significant disparities in rates of preventable illnesses, and a large gap in life expectancy when compared against the greater Canadian population (Curry, 2010; Palmater, 2011: 115). Aboriginal communities are as well faced with a serious housing shortage, and access to clean and safe drinking water is a major issue, demonstrated by an independent assessment which indicated that, “73% of all water systems and 65% of all waste water systems in First Nations are characterized as medium to high risk” (Palmater, 2011: 114-115). It is for reasons such as these that the previously discussed argument of ongoing settler colonialism in Canada is so common.

2.2 Missing and Murdered Indigenous Women

A recent report from the Royal Canadian Mounted Police (RCMP) published in 2014 which focused on missing and murdered Aboriginal women in Canada indicated that from 1980 to 2012, “Aboriginal female homicides and unresolved missing Aboriginal females in this review total 1,181 – 164 missing and 1,017

homicide victims” (Royal Canadian Mounted Police, 2014: 03). These numbers account for sixteen percent of murdered women and 11.3% of missing women in Canada (Royal Canadian Mounted Police, 2014: 08-09), and are of particular significance as Aboriginal women only constitute 4.3% of women in Canada.

Although these numbers reported by the RCMP are the first official numbers which have been compiled on the subject, there are those who argue that these numbers do not properly demonstrate the reality of the situation. Through on-the-ground research and interviews looking at abusive policing and Indigenous women in northern British Columbia, Human Rights Watch found evidence of police officers being disinclined to even taking note of situations of Indigenous women and girls going missing (Rhoad, 2013: 67). Furthermore, there was significant evidence of RCMP officers themselves being perpetrators both of physical violence and abuse, as well as rape and sexual assault against Indigenous girls and women (Rhoad, 2013: 07-08). For many, these occurrences throw the credibility of the RCMP's numbers into question and suggest the real potential for a significant number of undocumented cases. Despite this potential lack of credibility, the numbers stated by the RCMP cannot decline, meaning that the current disproportionality can only get worse. The disproportionate rate then, as well as the known number of women who have become victims, is significant on its own to warrant investigation.

Criticism of the way police forces across Canada have handled cases involving Indigenous peoples is not a recent thing. The investigation into the 1971 sexual assault and murder of nineteen-year-old Helen Betty Osborne, a Cree woman from The Pas, Manitoba, prompted a provincial inquiry. Criticising the, “sloppy and racially biased police investigation that took more than 15 years to bring one of four men to justice” (Amnesty International, 2004: 02), the inquiry as well found that it was well known to police that white men were, “sexually preying on Indigenous women and girls in The Pas”, but that the police did not feel that this trend was important enough to warrant much attention (Amnesty International, 2004: 02).

Over the past few decades, this presence of racial bias in addressing cases of missing and murdered Indigenous women has become more evident across the country. In northern British Columbia, a province with one of the highest numbers of reported murdered and missing Indigenous women (Royal Canadian Mounted Police, 2014: 09), there is a 724-kilometre stretch of highway connecting Prince George and Prince Rupert infamously known as the “Highway of Tears”. This is due to the large number of women and girls who have gone missing or been found murdered along both Highway 16 and neighbouring highways since at least 1969 (Rhoad, 2013: 35). Indigenous communities in the vicinity list the number of missing and murdered women at about forty, while the RCMP, who only include those which occur within 1.6 kilometres of the highways, list eighteen women, ten of whom were Indigenous (Rhoad, 2013: 35-36). The presence of white women on this list is important to note, as it was not until 2002 and the disappearance of a twenty-five year old woman named Nicole Hoar while hitchhiking that the media and Canadian public really began paying attention. A former police officer interviewed by Human Rights Watch saw race as central to this attention, and stated that much more resources were put into Nicole Hoar’s case by the police than had been for previous cases of missing and murdered women along the highway (Rhoad, 2013: 37).

There have been a number of major reports commenting on aspects of the dire situation faced by Indigenous women in Canada. A few of the more notable reports have garnered some attention, such as the aforementioned report following the botched investigation into Helen Betty Osborne’s murder, the Royal Commission on Aboriginal Peoples which was published in 1996, and the previously cited 2004 report by Amnesty International entitled “Stolen Sisters”.

Up until recently however, while the evidence has been available, real action has been fairly limited with neither the federal government nor the greater Canadian population paying as much attention as the situation has warranted; the same cannot be said for Indigenous peoples in Canada. For example, the past twenty-five years have seen annual Women’s Memorial marches, initially in Vancouver and now in cities across the country working to draw attention to the

issue of murdered and missing women, marches which started in 1991 when an Indigenous woman was found murdered in the Downtown Eastside neighbourhood of Vancouver (Women's Memorial March, n.d.). Another initiative was begun when, in 2005, the federal government at the time dedicated ten million dollars in funding for Sisters in Spirit, a project focused on developing a national database of missing and murdered Indigenous women, to be operated by the Native Women's Association of Canada (NWAC) (Voices-Voix, n.d.). Despite the success of Sisters in Spirit in developing both a database as well as national awareness on this phenomenon, in 2010, under a different government than the one in 2005, funding to the Sisters in Spirit database project was redirected to other projects, such as to the RCMP and the creation of national database on missing persons, with no focus on Aboriginal peoples (Voices-Voix, n.d.). This move was widely criticised by Indigenous groups.

The current state of affairs and recent events more directly related to the action plan of the Canadian government will be expanded upon in the beginning of Chapter 5, in order to develop the context for analysis.

3. Theory

Starting now with the theoretical chapter of this thesis, the paper will turn to outlining and exploring the main theories which are being incorporated into the process of analysing the presence of violence towards Indigenous peoples in the discourse and policies of the Canadian government. It will then lay the groundwork for supporting the methods which will be used in the subsequent analysis (methods which will be discussed and outlined in the following chapter).

The theoretical areas which will be explored are the concept of violence, which will then move into exploring Galtung's model of violence, and from there into Galtung's model of conflict. Subsequently, to finish up this chapter, the tools necessary for the use of these theories in analysis will be discussed.

3.1 On Violence

It is quite common to find the concept of violence limited to a more conventional definition: what Johan Galtung terms 'direct violence' (Galtung, 1969: 170), or what Yves Winter refers to as 'positivist definitions' of violence. According to Winter, the qualifications through which these 'positivist definitions' define violence tend to be centred on the presence of physically violent actions with immediate effect of damage or injury (Winter, 2012: 196), easily witnessed, measured, and quantifiable.

The concept of violence however is one which is very broad and can be widely applied, and as it applies to the focus and analysis of this paper it will be developed primarily through the use of Galtung and Engels. Johan Galtung, for example, broadens the definition of violence to argue that, "violence is present when human beings are being influenced so that their actual somatic and mental realizations are below their potential realizations" (Galtung, 1969: 168). Through this definition, Galtung recognizes that violence to the person goes beyond the direct act which is guided by intent of outcome, and focuses more on the outcome itself and context in which the outcome is experienced.

Although he focused on capitalism and the situation of the proletariat, this expanded conception of violence can be supported posthumously by Friedrich Engels, through an analysis of his work. In fact, Engels indicates quite clearly his support for such a notion of an expanded concept of violence when he states:

When one individual inflicts bodily injury upon another, such injury that death results, we call the deed manslaughter; when the assailant knew in advance that the injury would be fatal, we call his deed murder. But when society places hundreds of proletarians in such a position that they inevitably meet a too early and an unnatural death, one which is quite as much a death by violence as that by the sword or bullet; when it deprives thousands of the necessities of life, places them under conditions in which they *cannot* live – forces them, through the strong arm of the law, to remain in such conditions until that death ensues which is the inevitable consequence – knows that these thousands of victims must perish, and yet permits these conditions to remain, its deed is murder just as surely as the deed of the single individual, disguised, malicious murder, murder against which none can defend himself, which does not seem what it is, because no man sees the murderer, because the death of the victim seems a natural one, since the offence is more one of omission than of commission. But murder it remains (Engels, 1987: 127).

This form of violence described both by Engels through the example of the proletariat in England, and as well by Johan Galtung through what he described as that which influences the gap between actual and potential realisations, is what Johan Galtung would define as being ‘structural violence’ (Galtung, 1969: 168). Drawing from Engels and Galtung, the root of structural violence is found in the way social structures are formed and operate, and the context they create for those affected by these structures. This concept of structural violence, as outlined by Galtung, will be further discussed, expanded, and critiqued in section 3.2.2.

3.2 Galtung's Model of Violence

From this previous conversation on violence, it is possible to move into a broader model of the different interacting and concurrent forms of violence which are defined in Johan Galtung's violence triangle. In order to develop and explain this violence triangle, a description of the three forms of violence described by Galtung will be undertaken, followed by a discussion on the dynamics of the

triangle. The three forms of violence highlighted by this model are *direct*, *structural*, and *cultural* (Ramsbotham, Miall & Woodhouse, 2011: 10).

3.2.1 Direct Violence

Defining *direct violence* as, “somatic incapacitation, or deprivation of health, alone (with killing as the extreme form), at the hands of an *actor* who *intends* this to be the consequence” (Galtung, 1969: 168), Galtung sees it as primarily consisting of physical and targeted acts of aggression and destruction. While he supports this common definition when applied to the concept of direct violence (as touched on in section 3.1), Galtung views direct violence as being an insufficient concept of violence when considered on its own.

3.2.2 Structural Violence

Having laid the groundwork for understanding the basis of *structural violence* in section 3.1, this subsection will delve a bit deeper into the details of this concept. As was discussed above, structural violence is developed from the broader concept of violence developed by Galtung, which supports seeing violence as, “that which increases the distance between the potential and the actual, and that which impedes the decrease of this distance” (Galtung, 1969: 168). Different from the clear and physical markers of direct violence however, structural violence is significant in its relativity, relying both on the temporal context as well as whether or not that which affects the aforementioned gap is unavoidable (Galtung, 1969: 168-169).

This is an important point which requires some expansion. As Galtung describes it, death attributed to a treatable disease or illness due to an inability to afford or access the treatment would be seen as violence, due to the avoidable nature of the outcome. A death from the same illness before it was treatable however would not constitute violence as there was no gap between the potential outcome and actual outcome (Galtung, 1969: 168). Similarly, death due to

something such as a natural disaster would not be the result of violence (Galtung, 1969: 169), although the manner in which the after effects and needs of survivors of such a disaster were addressed, could potentially result in violence if mishandled. The presence of violence is highly reliant on the context in which the situation is occurring.

With a focus on injury and damage (either physical or psychological) done to a person without a visible actor causing this damage, structural violence looks to that which is caused by those factors which are part of the social structure. According to Galtung, structural violence can be found in contexts such as, “inequality of power, resources, and life opportunities,” manifesting in conditions such as, “poverty, hunger, subordination, and social exclusion” (Winter, 2012: 195). At its core however, structural violence is as much about action as it is inaction, with conscious inaction in addressing preventable structures of violence and their outcomes constituting violence all the same, as the outcomes could therefore be argued to be avoidable (Winter, 2012: 195). As was demonstrated in the quote of Engels’ work, even if violence occurs due to the omission of action, it is no less present for the inability to see the act occur (Engels, 1987: 127).

The broad nature of this concept is beneficial in that it manages to look beyond the physicality of violence and the common fixation on the actor rather than the result to determine the presence of violence. The extent of the broadness however, has been critiqued for not providing much distinction insofar as the forms of structural injustice and their various roots are concerned (Winter, 2012, p. 195).

An interesting and important critique of both Engels’ and Galtung’s conceptualisations of structural violence is put forward by Yves Winter. Winter contends that counter to their suggestion that the invisibility of the violence inherent in the structure allows the continuation of said violence, it is instead a process which is perhaps more cyclical. He argues that the structural nature of violence is developed not from the invisibility of the violence but that it is reaffirmed over time, stating that, “it is not invisibility that allows violence to be repeated and reproduced but that repetition and reproduction make violence

invisible” (Winter, 2012: 202). By normalising the occurrence of violence, the structure is developed and stabilised, and the reality of violence is rendered invisible.

3.2.3 Cultural Violence

A form of violence which was not discussed in section 3.1, but which is quite important not only to Galtung's triangle but as well to understanding the situation being analysed in this thesis, is that of *cultural violence*. Differing from the previous forms of violence which are focused on the gap between the actual and the potential, cultural violence is more based in those aspects of culture which provide justification for the other forms of violence. As Galtung states, “[c]ultural violence makes direct and structural violence look, even feel, right – or at least not wrong” (Galtung, 1990: 291). This can either be done through adjusting the concept of morality in a situation of violence, or by rendering the violent situation less present by softening the visibility of the structural or direct violence (Galtung, 1990: 292). Essentially, when violence occurs that is difficult or not possible to justify, cultural violence can as well be used to, “blind us”, to the presence of violence (Ramsbotham, Miall & Woodhouse, 2011: 11).

Defined in *The Oxford English Dictionary* (2015) as, “[t]he art of using language effectively so as to persuade or influence others,” rhetoric demonstrates the same process of framing used in cultural violence towards this process of adjusting, justifying and blinding. This suggests that while rhetoric and framing do not necessarily indicate the presence of cultural violence, they are certainly a possible point from which to initiate an analysis on its presence.

This justification aspect, which works towards the invisibility or acceptance of violence, is reminiscent of the critique Yves Winter had in relation to the conceptualisations of Galtung and Engels. When placed against the role of cultural violence, this process of normalisation of violence which leads to its invisibility, and therefore structural nature, is highly suggestive of a dynamic

through which structuralising processes become more solidified over time, and potentially develop into cultural ones.

3.2.4 The Violence Triangle

Direct, structural, and cultural violence are often presented as being a stratified pyramid, with direct violence as the visible apex, structural violence in the middle providing processes and mechanisms, with both sitting on top of a base of cultural violence, feeding the logic of the upper levels (Galtung, 1990: 294). While there is merit to the design of this model, it provides just one part of the story.

According to Galtung, these three forms of violence, while finding similarities and interrelated characteristics, operate within different time frames. He states that, “[d]irect violence is an *event*; structural violence is a *process* with ups and downs; cultural violence is an *invariant*, a ‘permanence’” (Galtung, 1990: 294). The logic of the violence triangle is therefore based in the interaction to be found between these three types of violence, and their temporal dynamics.

With each form of violence taking one point of the triangle, this model demonstrates the fact that (as opposed to the stratified pyramid) regardless of the form of violence found at the apex, and therefore the form under analysis, there is a co-constitutive nature between the three kinds of violence (Galtung, 1990: 294). This holds true both if the triangle is inverted or upright, with the implication that although they are linked and build off of each other, different dynamics can be found and explored through adjusting the apex and position of the triangle (Galtung, 1990: 294).

3.3 Galtung's Model of Conflict

A related, and conceptually connected, model developed by Johan Galtung is his conflict triangle: a model which applies both to symmetric conflicts, as well as asymmetric. At its three points, one finds three different components of conflict –

contradiction, attitude, and behaviour (Ramsbotham, Miall & Woodhouse, 2011: 11). In order to understand this model, these three components will be broken down and explored.

The first corner to be discussed is the *contradiction* component. Contradiction can be seen as the main root of a conflict, and is characterised as the core incompatibility of goals between the conflicting groups (Stalenoi, 2014: 33). At this basic level, contradiction can be seen as not only the core of conflict but as well “a universal feature of human society” (Ramsbotham, Miall & Woodhouse, 2011: 07). One could then argue that not only the root, but as well the logic behind the conflict comes from the contradiction. This is somewhat supported by Hugh Miall, who attempts to develop Galtung’s conflict triangle into a form that incorporates a broader spectrum of factors, and finds that with the contradiction component, the context of the conflict is as well developed (Miall, 2004: 08).

The second corner and component of the conflict triangle is that of *attitude*. The attitude component is comprised of how the groups involved in the conflict view and define both themselves, as well as each other. These impressions are often developed through stereotypes and drawing on, “emotions such as fear, anger, bitterness and hatred” (Ramsbotham, Miall & Woodhouse, 2011: 10). Tessa Finlev sees this part of the conflict triangle developing from frustration inherent in the presence of the contradiction (Finlev, 2012: 47).

Affected by the feelings, beliefs, desires and wills of those involved, attitude is a more personal factor, and the resulting attitude can either be positive or negative, depending on the history between the groups, and the level of contradiction (Ramsbotham, Miall & Woodhouse, 2011: 10). Logically then, Miall argues that cultural memory and underlying discourse within a society have a key role to play in understanding the attitude corner of a conflict, and in which way it will develop (Miall, 2004: 08).

The third and final corner component of the conflict triangle, *behaviour*, draws on the attitude which results from the contradiction, either positive or negative, in order to develop action in response to this same initial contradiction.

Depending on the attitude, the behaviour can range from cooperation and conciliation, to coercion and hostility (Ramsbotham, Miall & Woodhouse, 2011: 11), thereby dictating the potential for escalation or de-escalation of the conflict. For Miall, the behaviour which develops to address the contradiction is influenced by the actual relationship and history which the actor has with the other actors involved (Miall, 2004: 08). Should one actor encounter the same contradiction with two different actors separately, the outcomes would be dependent on the level and type of relationship enjoyed with the two external actors, respectively.

Similar to the violence model, the three components of the conflict triangle are clearly interconnected, especially once expanded by Miall's further conceptualisation, and work together to develop both a conflict situation as well as how it plays out. As Galtung argues, these three components are all necessary if a full conflict is to occur and that, "[a] conflict structure without conflictual attitudes or behaviour is a latent (or structural) one" (Ramsbotham, Miall & Woodhouse, 2011: 11). That being said, if the factors are not present in the beginning, this certainly does not mean that they cannot be developed at a later point in the process of addressing a contradiction: conflict is, "a dynamic process in which structure, attitudes and behaviour are constantly changing and influencing one another" (Ramsbotham, Miall & Woodhouse, 2011: 11).

3.4 Preparing the Triangles for Analysis

A significant benefit of the discussed theoretical models developed by Galtung is that they were designed in a way which makes them readily operational and facilitates their use in analysis (Derriennic, 1972: 366). For the purposes of guiding the chosen research method however, and towards the aims of the analysis, two aspects must be discussed: a typology of the discussed violence categories, as well as the process of merging the two triangle models.

3.4.1 Typology of Violence

In order to properly qualify the different forms of violence found during analysis, Johan Galtung developed a typology of violence aimed at distinguishing between its direct and structural forms. Due to the aforementioned nature of cultural violence as that which legitimises the use and presence of direct and structural forms of violence, it was not included in this typology; the markers of cultural violence are to be found in the presence of the other two forms (Galtung, 1990: 291-292). From the discussion on cultural violence, it was indicated that drawing from aspects such as the rhetoric surrounding these other two forms would be a good place to start.

The typology presented by Galtung focuses on the categories resulting from combining these two forms of violence with four types of basic needs which are seen as central to addressing the gap between potential and actual: *survival needs*, *well-being needs*, *identity needs*, and *freedom needs* (Galtung, 1990: 292). He goes on to indicate that this list of needs is not necessarily exhaustive, as broad areas such as *ecological balance* have a significant impact on the ability of a population to properly achieve any of these needs and therefore underlie the other needs listed. From its broadness however, Galtung finds it difficult to effectively qualify such a term, and so it is left off his presented model (Galtung, 1990: 292).

Breaking down the typology by category of needs, the main indicators demonstrating the presence of direct and structural violence are clearly presented by Galtung. Starting with *survival needs*, the marker indicating the presence of direct violence would be direct killing, either individuals or groups, while structural violence is indicated by the presence of what Galtung calls 'Exploitation A', whereby the structure is so inherently unequal that the deprived die from causes such as starvation and disease (Galtung, 1990: 293).

Under the category of *well-being needs*, direct violence is indicated by actions such as maiming, siege and sanctions, and structural violence demonstrates itself in the form of 'Exploitation B' (Galtung, 1990: 292-293),

which is described by Galtung as, “a permanent, unwanted state of misery, usually including malnutrition and illness” (Galtung, 1990: 293).

The third category, *identity needs*, is affected by direct violence when the aggressor uses techniques of desocialisation, resocialisation, and relegation to second-class citizen status and treatment, essentially attempting to eradicate or diminish a group's culture, often by assimilating them into the larger group. The presence of structural violence is marked by similar outcomes but through mechanisms that are more subtle, namely penetration into the target group by the aggressor, and segmentation affecting a target group's access to information, inhibiting the ability of a group to maintain or develop a collective identity and mentality (Galtung, 1990: 293-294).

Whereas violence against identity needs aims to stop and deconstruct culture and collective identity, violence against the fourth category, *freedom needs*, is characterised by stopping freedom of movement and actions. With direct violence this occurs through repression, detention and expulsion of target people and groups, while structural tools focus on marginalisation and fragmentation, making groups unable to access resources to act, as well as inhibiting collective action (Galtung, 1990: 293-294).

The scope of this typology is quite successful in rendering the presence and range of violent actions taken by aggressor groups more visible, and highlighting the aggressor's logic behind the use of such tools. Violence, as shown in Galtung's typology, is utilised through direct action as well as structural towards the end of destroying or diminishing the other so that they are less able to respond to the actions and goals of the aggressor.

3.4.2 Merging the Triangles

The two aforementioned triangle models, as developed by Johan Galtung, were developed in a way which allows for them to be used together, essentially overlapping the points of both triangles and creating a model with which to

analyse conflict and violence through the same framework. Simple links can be drawn connecting behaviour with direct violence, contradiction with structural violence, and attitude with cultural violence (Ramsbotham, Miall & Woodhouse, 2011: 10-11). Furthermore, in the assertion that, “[w]e end direct violence by changing conflict behaviour, structural violence by removing structural contradictions and injustices, and cultural violence by changing attitudes (Ramsbotham, Miall & Woodhouse, 2011: 11), a very active connection in the interaction of the triangles is presented. It is important to state however, that conflict does not necessarily require the presence of violence, but that the relationship between the two triangles is one where, “[i]t is the failure to transform conflicts that leads to violence” (Galtung, 2000: 15). This repeats the sentiment indicated in the previous reference to Ramsbotham, Miall and Woodhouse which suggests that in fact violence follows from conflict.

Discussing the relationship between the triangles in this manner indicates that not only can the conflict triangle be used to address the presence and types of violence in a situation, but as well the violence triangle can be used to demonstrate the presence and state of conflict.

4. Methods

This thesis employs the method of *thematic analysis* as the means of analysing the gathered relevant material for the presence of direct, structural, and cultural violence in the Canadian government's policies affecting Indigenous peoples, in particular their decision on how to respond to calls for a national inquiry into missing and murdered Indigenous women. This thesis will take a deductive approach as the intent is to apply an external theory to the context in question, rather than developing themes from what is found in analysis.

Even though the primary documents being used in the analysis are discourse and government policies, there was a conscious decision made to perform thematic analysis rather than policy analysis as the research method of choice. This decision was made due to the fact that the analysis performed in this thesis aims to focus on the context and themes of violence the policies create, and are created in, through drawing out the aspects, or markers, of violence from the aims and rhetoric of certain government policies and actions. With policy analysis' focus directed at evaluating the merit and relevance of policies, as well as a policy's outputs and outcomes (Varone, Rihoux & Marx, 2006: 213-215); this seemed incompatible with the research question of this paper. Furthermore, the selected policies are all either very recent, or were never enacted, removing the possibility of considering outputs and outcomes.

The benefit of using policies as the main source of government discourse follows from the way policies can be seen to represent structured intentions, attitudes and plans supported by the government. This finds support in the argument of Sarah Maddison (discussed in section 1.3) when she highlights how the state can direct structural and cultural violence on Indigenous populations through its policies. This is especially present in this context as the governing party holds a majority government (Gollom & Davidson, 2011), lessening the need for compromise with other groups and viewpoints during policy formation.

In order to properly understand the use of thematic analysis in this thesis, the chapter on research methods will first move to describe the thematic analysis

method, as well as outlining the concept of discourse as understood by this thesis. Following this, the focus will turn to present and explain the selection of documents and resources which have been gathered for analysis, before moving on to discuss the process through which this analysis will occur. Finally, the chapter will discuss the potential limitations to be found in the research methods and the planned approach to analysis.

4.1 Outlining Thematic Analysis

Often undervalued as a research method or viewed as simply being a tool employed by other qualitative analysis methods, not only is thematic analysis a method in its own right, valued for its flexibility (Vaismoradi, Turunen & Bondas, 2013: 400), but Braun and Clarke argue that, “thematic analysis should be seen as a foundational method for qualitative analysis” (Braun & Clarke, 2006: 78).

Thematic analysis is not theoretically bound and therefore can be guided by a range of theoretical stances and applied with different frameworks, such as realist, constructionist or, as will be used in this thesis, the contextual approach of critical realism (Braun & Clarke, 2006: 81). With its flexibility, thematic analysis is fairly undefined in process and, as required by the analysis being performed, can be employed either inductively or deductively, and can draw from a range of materials (Vaismoradi, Turunen & Bondas, 2013: 401).

The aim of thematic analysis is similar to that of other methods such as qualitative content analysis and critical discourse analysis, in that it seeks to break down a text, drawing out significant and recurring themes, or codes, ascribing meaning or deriving understanding from what is found (Bryman, 2012: 578). While within thematic analysis a concrete definition of what qualifies as a theme is often lacking, and the development of themes occurs differently depending on whether the approach is inductive or deductive, there are a few markers by which themes can be broadly understood. Themes are categories which can be derived from data or developed from theoretical concepts and which connect to the research focus as well as research question. As well, while standing out in the

analysed resources, themes are not necessarily reliant on frequency (Bryman, 2012: 580).

A main difference of thematic analysis can be seen in the importance it places on the incorporation of context in the interpretation of meaning, rather than focusing purely on language and frequency (Vaismoradi, Turunen & Bondas, 2013: 399). Though it can occur at a semantic level, when a thematic analysis is performed on a latent level it seeks to look deeper into the material, finding the underlying “features that gave it that particular form and meaning” (Braun & Clarke, 2006: 84).

4.1.1 The Concept of Discourse

This thesis aims to respond to the stated research question of, *‘how should the Canadian government’s refusal and response to demands for a national inquiry into missing and murdered Indigenous women be understood?’* through the use of a thematic analysis, applied against government discourse. As such, it is necessary to discuss both what discourse is, as well as how the concept of discourse is defined for the purposes of the upcoming analysis.

Phillips and Hardy describe discourse as, “an interrelated set of texts, and the practices of their production, dissemination, and reception, that brings an object into being... [and contend that] ...social reality is produced and made real through discourses, and social interactions cannot be fully understood without reference to the discourses that give them meaning” (Phillips & Hardy, 2002: 03). Different from this standard discourse approach where discourse is seen to be used in the production of a subjective reality, this thesis takes a more critical view of discourse, drawing from a critical realist stance. In this frame, there is a reality existing beyond that which is socially constructed through discourse. Therefore, discourse should be compared against this external reality, and requires examination, “in relation to social structures, including the power relationships that are responsible for occasioning them” (Bryman, 2012: 537). Discourse then does not create reality, but instead develops from these power relations and social

structures and aims to frame and construct the way in which these are viewed and understood. It is with this understanding that the concept of discourse is being utilised in this thesis' argument and analysis.

4.2 Collection of Documents and Resources

In order to answer the stated research question of the thesis, the gathered resources through which the discourse of the federal government of Canada will be analysed cover a broad range. The policies include an action plan, and two recent pieces of legislation affecting Aboriginal peoples (one active, and one attempted). Furthermore, a human rights case against the federal government currently in front of the Canadian Human Rights Tribunal, as well as government rhetoric, and context surrounding these other resources will be analysed.

As it is the central focus of this thesis, the government action plan which will be analysed is the *Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls* (released by Status of Women Canada), put into effect in 2014. Following the analysis of this first document, the greater context will be analysed through two acts from Aboriginal Affairs and Northern Development Canada, one enacted and one unsuccessful: The *First Nations Financial Transparency Act*, enacted in 2013, and the *First Nations Control of First Nations Education Act* (also known as Bill C-33), which was presented, but was ultimately unsuccessful, in 2014 (Mendelson, 2014: 02). The case which is currently awaiting a decision from the Canadian Human Rights Tribunal is: *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*.

Rhetoric associated with these policies and Tribunal case will be drawn from statements made by involved parties through a variety of mediums, based on relevant sampling. Further context necessary for analysis and discussion will be developed primarily through the use of reports and relevant discourse, as required.

Regarding the specific policies mentioned, while the reason for using the first policy is clear due to its relation to the starting point of this thesis, the other two

policies are being used due to their contemporary nature and the high visibility and importance of their respective debates. The selected human rights case was chosen as it demonstrates significant and controversial behaviour on the part of the Canadian government regarding its responsibilities and Aboriginal children. Together, these sources provide a broad range of examples and insight into Indigenous-Canadian government interaction.

4.3 Process of Analysis

At its core, the process by which the aforementioned resources will be analysed is that of a deductive thematic analysis of government discourse. As previously mentioned, this means that the themes being applied against the analysed documents and resources are derived from external theory (in this case the three forms of violence), rather than developed from the results of examining the discourse.

The general process followed by thematic analysis usually begins with immersion into the data being analysed, which then moves first into codes, and then themes, developing from this immersion (Vaismoradi, Turunen & Bondas, 2013: 402). As this analysis is being performed deductively however, with themes and codes derived from theory, this process is adjusted and instead immersion is used to not only get familiar with the data, but as well to start picking out the codes relating to the research focus. Following this step, the coded material must be brought together within its categories, grouping them within their respective theme groups (Braun & Clarke, 2006: 89-91). The resulting data must then be examined and analysed in order to ensure the validity of the coding and connections being made and argued (Braun & Clarke, 2006: 96).

In order to answer the research question of this thesis, three guiding questions were developed in direct relation to the theory and the needs of the two triangle models in executing a proper and applicable analysis, and will be asked to the gathered resources:

1. *What are markers of direct violence in this discourse?*
2. *What are markers of structural violence in this discourse?*
3. *What are markers of cultural violence in this discourse?*

Highlighted by these questions, this thesis uses direct, cultural and structural violence, as well as Galtung's violence triangle, as the theoretical base guiding the process of the thematic analysis. As such, the intent is that the three forms of violence are the greater themes being applied deductively against the gathered discourse, with the described typology of violence (as well as the discussed markers of cultural violence) acting as the indicators or 'codes', and therefore as evidence for the presence of these themes.

The connection between the theories and the research method can be found in the discursive nature of violence and conflict. From the discussion on the theories engaged by this thesis, it can be understood that the forms of violence are heavily influenced by discourse, and the interpretation of discourse; for example, the role of discourse in the aforementioned relationship between cultural violence and rhetoric and framing in the process of justifying structural and direct violence. Similarly, the critical realist stance being employed in this thematic analysis is well suited to structural violence's focus on context, power, and the creation and presence of inequality.

Regarding the viability of applying the results of these questions to the models themselves, these questions speak to the logic of the dynamic of the triangles in which each corner affects, and is affected by, the other two. With this understanding, discourse would then play a central role in how these components are framed and presented, to the ends of resulting in influence on the other two towards a desired outcome.

4.4 Limitations

On the potential limitations present in the research of this thesis, they fall into four main categories: lack of primary data, number of documents analysed, generalisability of results, and demonstrating Galtung's 'actual-potential gap'.

On the lack of primary data being analysed, the decision to use secondary data for analysis was a result both of a significant lack of geographic proximity and access to the context being studied, but as well resulted from the nature of that which is being researched in this thesis. In order to go beyond the clear and visible power relations demonstrated by protest and resistance, into the more hidden and embedded nature of the root problem, the secondary data used was the more effective way to examine the current condition of this asymmetric relationship.

A second limitation is found with the number of documents being analysed. This low number of main resources is not ideal, but when drawing from recent federal government policy and action which have an explicit effect on Aboriginal peoples, options are limited. These available resources do however offer range in areas of concern, allowing for a broad view of the Aboriginal context in Canada. As well, due to the analysis of context, gathered resources extend well beyond these key documents. It is important to note that although the issue of land claims and territory rights is ongoing in Canada, related court cases and decisions have been excluded from the list of main texts analysed. This is due to the fact that territorial issues would incorporate the dynamic of provincial governments as stakeholders, where I am focusing on the Indigenous relationship with the federal government. As well, the ongoing situation of territorial rights and land claims is large enough to warrant its own thesis and would likely detract from the central focus of this thesis.

The third limitation, regarding the generalisability of the results, is a factor of this thesis being based on a specific ongoing situation and context in Canada. The generalisability of this thesis' results however, is to be found in the suggested lens through which to view the relationship between Indigenous peoples in Canada and the federal government. This suggested lens, rooted in conflict and the forms of violence, could be used both to analyse the contexts of other Indigenous peoples around the world, as well as the situations faced by other marginalised groups all over the world.

The fourth limitation indicated derives from the theory which is being used. As argued by Jean-Pierre Derriennic, demonstrating violence by measuring the

gap between the actual and the potential is difficult, “because there is no precise way to demonstrate what the potential is” (Derriennic, 1972: 367). To address this potential limitation, the markers of violence found in the analysis with the use of Galtung’s typology of violence will be discussed and compared against evidence of the conditions faced by Aboriginal peoples of Canada derived from studies and reports performed by bodies such as the United Nations or the Inter-American Commission on Human Rights. Through this, the assumed potential will be that of the average situation experienced by non-Aboriginal Canadians.

5. Analysis

The analysis chapter will be broken into three main sections. The first section will focus specifically on analysing the forms of violence present in the ongoing situation of missing and murdered Indigenous women in Canada and the response and discourse of the federal government. The second section will focus on analysing the broader context of Indigenous peoples in Canada, looking at recent policies, actions and discourse of the federal government in order to highlight the presence of violence. In the third section of the analysis chapter, the focus will turn to bringing the situation of missing and murdered Indigenous women into the broader context, using Galtung's violence triangle as the means of developing this relationship.

Starting the first two sections, the policies and actions will be discussed with their recent contexts and associated discourses and rhetoric. Due to the requirements of Galtung's models, this thematic analysis is heavily reliant on context for indicating the presence of violence, and it is therefore not possible to analyse the policies removed from their surrounding contexts.

5.1 Missing and Murdered Indigenous Women

5.1.1 Recent Context on Addressing Missing and Murdered Indigenous Women

To outline the recent context, the starting point is necessarily the aforementioned RCMP report which quantified the significant number of Indigenous women who have gone missing or been murdered over the past few decades. Before this investigation was conducted, the assumed number of missing and murdered Indigenous women, though still significant and disproportionate with estimates of over 660 (UN Human Rights Council, 2014: 11), was considerably lower than the 1 181 listed by the RCMP. When the RCMP published this statistic in their report in 2014, the persistent demands of Indigenous groups for a national public inquiry got louder and gained support both from within Canada as well as without.

As mentioned in section 1, on the 17th of August, 2014, the body of fifteen-year-old Tina Fontaine was found in Winnipeg, Manitoba, after it had been wrapped in a bag and dumped in the Red River (Puxley & Lambert, 2014). Her death had the effect of renewing calls for a national inquiry, solidifying support from the federal opposition parties, and provincial governments across the country, as well as influencing the acting chief commissioner of the Canadian Human Rights Commission, David Langtry, to call for a national inquiry and action plan to address the roots causes of this ongoing crisis (Puxley, 2014). The primary response of the federal government to these calls however, has been to argue that not only has this situation already been analysed numerous times, but that the solution lies not in sociology, but in crime and crime prevention (Carlson & Mahoney, 2014), key sentiments which were indicated in the quote at the very beginning of this thesis.

Instead, in order to address the ongoing calls for a national inquiry and action on the issue of missing and murdered Indigenous women, the federal government released a plan in September 2014 outlining their approach to the situation. Entitled the *Action Plan to Address Family Violence and Violent Crimes Against Aboriginal Women and Girls*, this five-year plan seeks to tackle the problem through three main approaches: “preventing violence”, “supporting Aboriginal victims”, and “protecting Aboriginal women and girls” (Status of Women Canada, 2014: 01). It is intended that this will be accomplished by investing \$25 million over five years, directing this money towards programmes such as: those for victims and their families (\$7.5 million), the RCMP for “the development of more community safety plans” (\$8.6 million), and projects aimed to “break intergenerational violence and abuse” as well as to “engage men and boys and empower women and girls in efforts to denounce and prevent violence (\$2.5 million, and \$5 million, respectively) (Status of Women Canada, 2014: 01).

This issue has increasingly gained international attention, and as such, support for a national public inquiry and government action has as well developed beyond Canada's borders. In July of 2014, following the release of the RCMP report by a few months, another report was released by the then Special

Rapporteur on the Rights of Indigenous Peoples for the United Nations, James Anaya, concerning the situation faced by Indigenous peoples in Canada. This report was compiled from information he had gathered during an official research mission in October of 2013 and touched on a wide range of issues faced by Indigenous peoples of Canada, including the ongoing situation of missing and murdered Indigenous women. The Inter-American Commission on Human Rights (IACHR) released its own report in December of 2014 entitled, *Missing and Murdered Indigenous Women in British Columbia, Canada*. Both of these reports highlight the need and benefit of a national inquiry towards addressing and understanding the root causes of this crisis (UN Human Rights Council, 2014:21; Inter-American Commission on Human Rights, 2014: 124).

5.1.2 Analysing for Violence

5.1.2.1 Cultural Violence

As that which justifies the presence of structural and direct violence, cultural violence seems the logical place from which to begin the analysis, providing the main framework supporting the structural and direct forms.

The cultural violence which is immediately visible in this case derives from the rhetoric and framing of the federal government regarding the issue and their adopted plan of action. In order to justify the approach taken in the Action Plan and the aforementioned significant amount of funds directed to the RCMP, the main framing used by the federal government is that these cases of missing and murdered Indigenous women should be considered as violent criminal acts (Status of Women Canada, 2014: 02). This frame is developed in outlining the three key pillars of the Action Plan as: “Preventing Violence”, “Supporting Aboriginal Victims”, and “Protecting Aboriginal Women and Girls” (Status of Women Canada, 2014: 01). What is suggested by these pillars is an approach oriented towards addressing violence and victims rather than towards a situation connected to deeper social issues.

A second significant marker of the presence of cultural violence is found in the rhetoric which fixates on Aboriginal men as a significant source of violence and therefore the main problem which must be addressed. In the Action Plan, it is presented that from the evidence in the RCMP report, “a large majority of female Aboriginal homicide victims (92%) were murdered by acquaintances or family members” (Status of Women Canada, 2014: 03). The Action Plan is therefore seeking to, “[b]reak intergenerational cycles of violence and abuse by raising awareness and engaging men and boys in denouncing and preventing violence against Aboriginal women and girls” (Status of Women Canada, 2014: 06). This rhetoric was reinforced when the Minister of Aboriginal Affairs stated that, “Obviously there’s a lack of respect for women and girls on reserves [...] So you know, if the guys grow up believing that women have no rights, that is how they are treated” (Kappo, 2014).

When compared against factual evidence, this rhetoric becomes problematic. If one reads the report cited in the Action Plan, it is in fact non-Aboriginal female homicides which are more likely to be committed by acquaintances or family members at 93%. Furthermore, when breaking it down, while 65% of murders of non-Aboriginal women and girls are committed by spouses or family members, Aboriginals women and girls are significantly less likely to be murdered by spouses or family at 52% (Royal Canadian Mounted Police, 2014: 12).

This framing of Aboriginal men is coupled with another which presents the violence as being predominantly on reserve, with a repeatedly mentioned goal of, “raising awareness within communities that violence is unacceptable” (Status of Women Canada, 2014: 04). This focus ignores the fact that, as discussed in section 2.1, roughly half of the Indigenous population in Canada live in urban centres. This is particularly significant when considering the aforementioned Sisters in Spirit database of missing and murdered Indigenous women which was being developed by the Native Women’s Association of Canada. While they only managed to uncover 582 definite cases of missing and murdered Indigenous women before federal funding was cut, it was discovered that, “70% of the women and girls disappeared from an urban area and 60% were found murdered

in an urban area” (Native Women’s Association of Canada, 2010: 01-02). While the on-reserve situation must be addressed, framing the problem as being Indigenous men and purely in-community and separate from the general Canadian population is misleading at best.

5.1.2.2 Structural Violence

Structural violence can be found to be present in, as well as affecting this situation, both in the circumstances leading to the large numbers of Indigenous women being murdered and disappearing, but as well in the manner in which the federal government is addressing this pressing problem.

In drawing connections between, “historical discrimination and inequalities that continue to be experienced” (Inter-American Commission on Human Rights, 2014: 70) and the ongoing crisis, the IACHR indicates the presence of deeply rooted structural violence affecting the well-being of women and continuing vulnerability. This includes significant levels of ongoing racism experienced by Indigenous peoples. This rooted structural violence not only indicates negatively affected well-being needs, but through policy and history is also connected to identity and freedom needs, which have had a lasting effect and significant consequences on the central issue of missing and murdered Indigenous women. It is interesting to note here that a program developed by the current government in 2010, and indeed the Action Plan in question, comment on the need to address the root causes, and underlying factors (Beeby & Ditchburn, 2014; Status of Women Canada, 2014: 05). This deviates from the previously discussed government use of crime as the predominant frame.

Well-being needs are found lacking when turning to the Action Plan itself, particularly in two instances. Firstly, a common government justification for not calling a national public inquiry, and one which was present in the quote used at the beginning of this thesis, highlights the fact that there have been a significant number of studies which have already been conducted regarding the ongoing situation of missing and murdered Indigenous women in Canada. Over two decades, these studies have collectively made over seven hundred

recommendations of steps which could be taken to address the ongoing problem (Puxley, 2015). Instead the Plan's development drew upon sixteen recommendations from a somewhat controversial, government-led parliamentary committee (Status of Women Canada, 2014: 03), rather than the over seven hundred recommendations which the government uses to justify the lack of inquiry. If such a high number of recommendations are being ignored, this inaction is leading to a high number of problematic areas being unaddressed, thereby allowing the underlying factors of this issue to continue.

Similar to the example discussed in section 2.2 when the federal government cut funding to the Sisters in Spirit database in 2010, a second instance of structural violence affecting well-being needs can be found in the Action Plan's distribution of federal funds. The funding breakdown of the Action Plan which was discussed in the outline of the policy above, builds on the focus developed in the analysis of cultural violence of a crime based issue with Aboriginal men as a central problem. Furthermore, at \$25 million worth of funding divided over five years with one third of the funding earmarked for the development of "community safety plans" (Status for Women Canada, 2014: 01), for issues potentially affecting a group roughly 1.4 million people in size (Statistics Canada, 2014), the financial resources applied to the problem seem inadequate. Significantly, although the Action Plan states that it seeks to address root factors, such as, "lower education achievement and poverty" (Status for Women Canada, 2014: 05), there is a clear lack of funding directed at such initiatives. Therefore even though the Action Plan is meant to develop a framework of response to missing and murdered Indigenous women, the framework it sets up is not structured to actually address its stated purpose.

Drawing from the previously discussed Human Rights Watch report, significant structural violence can be found in the context of the RCMP's handling of this situation. This is due to the documented disinterest and disinclination of RCMP officers to properly investigate and to report on cases of missing and murdered Indigenous women which are brought to their attention (Rhoad, 2013: 67), especially when compared to non-Indigenous women. Examples of this

difference were demonstrated in section 2.2: first in the results of the provincial inquiry into the police investigation of Helen Betty Osborne's sexual assault and murder, and then in the 2002 disappearance of Nicole Hoar on the Highway of Tears, which gained much more resources and attention than the disappearances of Indigenous women in the same area. This all indicates discriminatory treatment by the RCMP, which falls under violence against identity needs though the indication of second-class citizen treatment.

5.1.2.3 Direct Violence

In the situation of missing and murdered Indigenous women in Canada, and the federal government's plan of action and method of addressing the issue, the most obvious form of direct violence which is present is found in the fact that Indigenous women are being murdered and disappearing. This form of direct violence can be clearly placed under the category of survival needs.

On the other hand, building from the presence of structural violence through interaction with the RCMP, direct violence affecting well-being needs as well becomes apparent. This is quite clear when considering the aforementioned alleged abuses suffered by Indigenous women at the hands of the Royal Canadian Mounted Police, as documented by Human Rights Watch (Rhoad, 2013: 08). This would qualify as a 'well-being' and not 'survival' based need because the direct outcome of these abuses is not death.

A third example of direct violence which is present, though which is notable in the inability to apply it to one specific category of needs, is the Action Plan developed by the federal government in order to respond to the situation of missing and murdered Indigenous women. Although this action plan is difficult to categorise due to its as of yet unknown results and what affect the outcomes will have on Indigenous women and peoples in general, the qualification of direct violence can be applied when considering Galtung's assertion that direct violence occurs as an event (Galtung, 1990: 294). Therefore, while it is guided by structural violence and justified by cultural violence, this Action Plan does not

listen to the ongoing calls of the affected and is directed by recommendations from a parliamentary committee which opposition parties involved described as partisan (Canada. Parliament. House of Commons. Special Committee on Violence Against Indigenous Women. 2014: 80), while ignoring hundreds of others. As such the act of implementing this policy could then be viewed as an act of direct violence.

5.1.3 Discussion

The analysis for violence in the federal government's decision not to hold a national inquiry into the issue of missing and murdered Indigenous women, as well as the realities of the situation itself, indicates that the violence present is primarily within the categories of survival needs and well-being needs, as outlined in the typology of violence described in section 3.4.1. Underlying violence towards identity needs and freedom needs however, have been highlighted as being connected to the root problems.

Cultural violence through the framing and rhetoric of the federal government is quite prominent in the attempt to develop a discourse where the crisis of missing and murdered Indigenous women is rooted in the behaviour and attitudes of Indigenous men on reserve. As stated by Galtung, "a major form of cultural violence indulged in by ruling elites is to blame the victim of structural violence" (Galtung, 1990: 295). Similarly, by pushing the framing of crime and developing a 'victim-oriented approach', there is an attempt to overtake and replace the prominent and vocal discourse of missing and murdered Indigenous women in Canada as part of an ongoing human rights crisis (UN Human Rights Council, 2014: 06).

The dynamic which is present between the examples of violence found in the government's action plan, as well as the greater situation of missing and murdered Indigenous women in Canada are highly reminiscent of Yves Winter's conception on the development of structural violence, as discussed in section 3.2.2. The attempted use of rhetoric to develop a framing of the murders and disappearances

through the lens of crime and of abuse as occurring primarily on reserve and by Aboriginal men can be seen as using cultural violence in developing a normalcy of the problem. By relegating these murders to nothing more than unassociated crimes specific to in-group relations and within communities, with every further murder and disappearance the distinctiveness of the problems becomes less visible and forgotten, eventually seen as no different from a problem faced by the rest of Canadian society.

5.2 The Larger Indigenous-Canada Relationship

5.2.1 Broader Context of Indigenous-Government of Canada Relationship

Similar to the recent context surrounding the issue of missing and murdered Indigenous women, connections have been drawn from current circumstances of discrimination and social and economic inequality to a history of abusive policy and treatment by the Canadian government, such as the destructive use of Residential Schools (UN Human Rights Council, 2014: 04-05). These circumstances of inequality have manifested themselves in situations such as those touched on in section 2.1, including the critical issue of inequalities present in health issues, clean water, life expectancy, prison rates, and the high number of Indigenous children in care. A number of these will be discussed and incorporated into the analysis.

Recent Indigenous-Canadian government relations have been punctuated by points of contention between the federal government and their approach to handling these issues faced by Indigenous peoples. In 2013, the federal government passed the *First Nations Financial Transparency Act*, which was aimed at requiring each First Nation to publicly post the earnings and expenses of their chief and councillors annually (*First Nations Financial Transparency Act*, SC 2013, c 7, s 3). This act was met with resistance by many First Nations, who argued that First Nations were already required to annually report on their use of federal funds through the use of external audits (Schwartz, 2013). While most First Nations have complied with this act, those who have not are facing

consequences from the federal government, up to and including withholding funding for non-essential services (Mas, 2014).

A significant point of contention occurred in 2014, when the federal government attempted to pass the *First Nations Control of First Nations Education Act*, a move which ultimately led to the failure of the legislation as well as the resignation of Shawn Atleo, the then National Chief of the Assembly of First Nations (AFN) (MacKinnon, 2014). This act was meant to respond to calls for fixing access to and quality of primary and secondary education for First Nations children, as well as to address a significant funding gap between that which provinces put towards their children and that which the federal governments provides for First Nations children (MacKinnon, 2014). The failure of this legislation was largely due the fact that it was prepared without significant consultation of First Nations, and that contrary to the title of the act, a thorough reading gives the clear impression of significant maintained federal government control (Mendelson, 2014: 01; 15). Since its failure, the federal government has indicated that as their proposed act was not successful, increased education funding will be withheld (MacKinnon, 2014).

The third main aspect of this section of analysis, and an ongoing situation between the federal government and Indigenous peoples in Canada, is a case which was brought to the Canadian Human Rights Tribunal by the Assembly of First Nations and the First Nations Child and Family Caring Society (FNCFCS). Initiated in 2007, the initial complaint was filed on the premise that although, as discussed in section 1.3, Aboriginal children make up forty percent of children in care in Canada, the federal government provides, “at least 22 percent less per child than what the provincial governments dedicate for child welfare services in other communities” (Amnesty International, n.d.). This has been argued by the FNCFCS as, “discrimination on the basis of race and national ethnic origin” (Canadian Human Rights Tribunal, 2012: 01). This case is as of yet unresolved and is presently awaiting decision from the Tribunal, which is expected at some point this year.

5.2.2 Analysing for Violence

5.2.2.1 Cultural Violence

Across the three main areas of discourse which are being analysed in this section, the cultural violence which is being employed in order to justify the presence of structural and direct violence, while still present, is less explicit than that in the previous analysis section of 5.1.

By creating the *First Nations Financial Transparency Act* even though, as discussed in the preceding context development, First Nations are already required to undergo external audits and to report all use of federal funds, the context and framing was developed supporting the view of a lack of transparency on reserves. In order to help augment this view, the Act required the publishing of all financial information of Aboriginal chiefs and councillors, “acting in their capacity as such and in any other capacity, including their personal capacity” (*First Nations Financial Transparency Act*, SC 2013, c 7, s 3). Through the inclusion of information on the personal finances of Aboriginal leaders unrelated to federal funding and their position in the community, a frame was developed of some Aboriginal chiefs being corrupt and prospering at the detriment of their communities, while their communities were living in poverty (Hopkins, 2014). This thereby providing retroactive legitimacy on the implementation of the Act, as well as the outlined consequences of withholding funds should the requirements of the Act not be met (*First Nations Financial Transparency Act*, SC 2013, c 7, ss 10-13).

Regarding the case in front of the Canadian Human Rights Tribunal and the demonstrated gap in funding for Aboriginal children in care, cultural violence can be found when considering the stance that has been taken by the federal government in response to the allegations of the First Nations Child and Family Caring Society. Rather than attempting to remedy the clear funding gap, the main points of response and framing which have been supported by the federal government is arguing that the case is invalid on two grounds. First, a jurisdictional motion was attempted, with the argument that, “the Canadian Human Rights Act should not apply to federal funding decisions affecting the

quality of services available in First Nations communities” (Amnesty International, n.d.), thereby removing it from the jurisdiction of the Tribunal. Following this failed attempt, an argument was made that because the federal government does not fund children in care in the provinces, using provincial services as a comparator was invalid. This argument was similarly unsuccessful in having the Tribunal case thrown out (Rae, Boctor, Wright & Zawadzki, 2015). Through these arguments there is an attempt to justify the low funding as legitimate and unproblematic because all Aboriginal children receive the same amount of funding from the federal government. By arguing that this case does not warrant the consideration of the Human Rights Tribunal, there is a clear attempt in the rhetoric to develop a normalcy of the situation.

The *First Nations Control of First Nations Education Act* in itself does not present an occurrence of cultural violence as there are demonstrated problems with the state of federally-run schools on reserve. With significantly low graduation rates and a significant lack of funding with the education of First Nations youth (McMahon, 2014), action is certainly warranted.

5.2.2.2 Structural Violence

The most significant presence of structural violence noted during analysis was found in the broader context of the situation facing Indigenous peoples of Canada, thereby suggesting the presence of an underlying reality of structural violence. In regards to the analysis of the broader context, this structural violence is evidenced primarily through the indicators and codes of survival needs, in addition to well-being needs.

These markers of violence are present in the significant differences in health, with children in Indigenous communities showing higher rates than those in non-Indigenous communities of preventable conditions such as meningitis, as well as a rate of Type 2 diabetes which has been described as an epidemic (Palmater, 2011: 115). Furthermore, according to a recent report, the rate of tuberculosis in Aboriginal peoples in Canada is, “31 times higher than that of non-aboriginal

Canadians,” with the rate spiking to 186 times higher when isolated to look at the Inuit population (Curry, 2010). The life expectancy for Indigenous peoples in Canada subsequently ranges from eight to twenty years less than the greater Canadian population (Palmater, 2011: 115), a life expectancy which is as well affected by a suicide rate that is, “among the leading causes of death in First Nations aged 10-44 and accounted for over 22% of all deaths of Aboriginal youth aged 10-19,” (Palmater, 2011: 115). This statistic is all the more shocking when focusing again on the Inuit population where the rate of suicide sits at eleven times the non-Indigenous population, spiking to, “as high as 40 times the national rate among young Inuit men specifically,” (Allan & Smylie, 2015: 13).

Beyond this clear and pressing gap in health and well-being of Indigenous peoples and communities in Canada, there is an ongoing lack of basic needs such as safe drinking water and sufficient housing, as was outlined in section 2.1, as well as significant problems with the education system offered by the federal government (McMahon, 2014). There are as well the previously mentioned disparities in the number of Indigenous people in Canadian prisons (both provincial as well as federal), as well as the fact that at least forty percent of children in care in Canada are Indigenous children (Hurst, 2014: 08; Blackstock, 2011: 187). All this speaks to significant and disproportionate, yet addressable, structural issues faced by Indigenous peoples and communities across the country. These issues are emblematic of the problems resulting from the historical discrimination and inequalities which were discussed in the analysis on the government's plan to address missing and murdered Indigenous women.

A key example of these addressable structural issues is the discussed case which is awaiting a decision from the Canadian Human Rights Tribunal. The previously discussed significant gap of funding for the over 27 000 Indigenous children in care, which is at the root of the Tribunal case, demonstrates a situation of systemic structural violence which negatively affects well-being needs.

Viewed through the analysed discourse, primarily the cases of the *First Nations Financial Transparency Act*, as well as the attempted *First Nations Control of First Nations Education Act* (hereafter referred to as the *FNFTA*, and

Bill C-33, respectively), a key root of ongoing structural violence can be found. This root of structural violence is seen in how the *FNFTA* was enacted even though significant requirements for reporting on use of federal funds were already in place (Schwartz, 2013), demonstrating a self-interested Department of Aboriginal Affairs and Northern Development Canada (AANDC) exercising unnecessary control over First Nations.

The relationship between the AANDC and Indigenous peoples and communities across the country is indicative of the ongoing presence and promotion of structural violence. Section 3(1) of the *Indian Act, 1985* states that, “[t]his Act shall be administered by the Minister, who shall be the superintendent general of Indian affairs” (*Indian Act, 1985*, RSC 1985, c I-5, s 3). As Arthur Manuel describes it, “this means that the Minister of Indian Affairs is our Dictator. This means all decisions about your life the Minister has the ultimate authority” (Manuel, 2011).

This structural violence is evidenced in *Bill C-33* in that the bill was drawn up without proper consultation of those communities which it affected. Furthermore, despite its title the Act seems to cement the control of First Nations education in the hands of the AANDC, suggested in legislating on details as minute as the responsibilities of school principals (*Bill C-33*, 2014, s 36). This control is as well suggested by points such as the formation of a Joint Council of Education Professionals from whom the Minister of Aboriginal Affairs and Northern Development Canada must sometimes request advice. The contentious point is that not only is less than half of the council required to be appointed from, “any entity representing the interests of First Nations”, but that these must be at the recommendation of the Minister (*Bill C-33*, 2014, ss 10-12).

The level of control present in *Bill C-33* is as well seen as unnecessary due to the significant results of an education agreement in 1999 with Mi'kmaq First Nations in Nova Scotia (Lewington, n.d.). The *Mi'kmaq Education Act* has raised the graduation rate to seventy-five percent, a rate which is not only on level with the province's graduation rate, but for First Nations communities, “is double the national average” (Lewington, n.d.).

5.2.2.3 *Direct Violence*

It is interesting to see that from the examples found in the two policies as well as the Tribunal case and greater analysed context, under the theme of direct violence the coding markers were most directly connected with the category of well-being needs and issues of funding and finances.

In the Tribunal case, the presence of direct violence is marked by the fight the AANDC is putting up in regards to bringing their funding to the level experienced by non-Aboriginal youth in care. Through this active resistance to matching average provincial funding, the federal government is refusing to meet the well-being needs of Aboriginal children in care, as well as identity needs through the suggested treatment of Aboriginal youth as second-class citizens when compared to non-Aboriginal youth.

Similarly, with the two policies, both the *First Nations Financial Transparency Act*, as well as the *First Nations Control of First Nations Education Act*, direct violence towards well-being needs can be found in the withholding of much needed funds, suggesting the presence of sanctions. This was present both in the form of funds being withheld for non-compliance with the *FNFTA (First Nations Financial Transparency Act, SC 2013, c 7, ss 10-13)*, as well as increased funding for education being withheld from First Nations (MacKinnon, 2014), resulting from the resistance to the significant government control present in *Bill C-33*.

5.2.3 Discussion

The markers of violence which were uncovered through the preceding analysis on the broader context of the Indigenous-Government of Canada relationship resulted in a very interesting example of the dynamic of the forms of violence at play in this larger context. The results were highly indicative of the overlap and co-constitutive nature of the three themes of violence. The federal government, through the Department of Aboriginal Affairs and Northern Development Canada, can be seen as a central part of the larger structure in Indigenous-Canadian

government relations. Through the examples analysed then, this role played by the structure of the federal government and the AANDC has over time affected all four markers: survival, well-being, identity and freedom needs.

For example, it is quite significant that the discussed examples of direct violence drawn from the discourse and context seem to be strongly related to the ongoing structural problems. The instances of direct violence then present as a response to resistance to the structure, with the result of perpetuating the consequences of the violent structure, which is embodied by the federal government and the Department of Aboriginal Affairs and Northern Development Canada.

Similarly, as per its nature, cultural violence has been used to support these other forms. The use of cultural violence to develop and build on stereotypes of Indigenous communities in Canada as affected by corruption, or to develop normalcy in the significant and pressing issues faced by Indigenous peoples across the country allows the structure to justify and solidify its actions. In fact, the *First Nations Financial Transparency Act* has been described by many Aboriginal groups as a tool being used by the federal government to distract from the significant issues being faced by Indigenous peoples and communities across the country (Simeone & Troniak, 2013). This comes again to Galtung's comment on blaming the victims of structural violence for their situation and context (Galtung, 1990: 295).

The context surrounding the Tribunal case offers a good example of the structure attempting to maintain itself in the face of resistance and opposition. In 2011, the Executive Director of the First Nations Child and Family Caring Society, Dr. Cindy Blackstock, submitted evidence to the Tribunal demonstrating that AANDC as well as the Department of Justice had conducted, "surveillance of her personal Facebook page and Twitter account", seeking to find ulterior motives for her bringing this case to the Tribunal (Canadian Human Rights Tribunal, 2012: 02). Furthermore, in 2013 it was learned that the federal government had been withholding over 50 000 documents from the Tribunal which were, "prejudicial to its case and highly relevant" (Canadian Human Rights Tribunal,

2013: 18). Upon this information coming to light, the government sought an adjournment of several months in order to deliver these documents (Canadian Human Rights Tribunal, 2013: 16), though only a short extension was permitted by the Tribunal, with a Tribunal statement that the federal government's behaviour was, "far from irreproachable" (Canadian Human Rights Tribunal, 2013: 18).

5.3 Consolidating the Results of Violence Analysis

From looking at the analysis performed through the three guiding questions on the gathered discourse and using it to develop a greater context of violence experienced by Indigenous peoples in Canada, the three main themes of direct, structural and cultural violence were all found to be present and active.

Much of the direct violence found in the analysed material, in particular that which was concerned with the behaviour and actions of the federal government and not actions of RCMP and individuals, was not only found in the inaction and misdirected response in addressing the range of needs of Indigenous peoples in Canada, in particular survival and well-being needs. Direct violence was as well clearly found in the active resistance of the federal government to act, as well as the threat of consequences for non-compliance with government plans and legislation.

A common trend of structural violence through both parts of analysis is the resulting and ongoing consequences from historical inequalities and discrimination in the circumstances affecting Indigenous peoples today and which have had a part in the development of the problematic structure. Historically a root of these inequalities and discriminatory behaviours, a focus on the behaviour of the government and the role played by the AANDC, as an appendage of the federal government and its interests, places it as a central part of this structure. The position which the government holds in this structure of violence can therefore be indicated as quite problematic if issues such as missing and murdered Indigenous women are to be properly addressed.

The presence of cultural violence was clear in the attempts at normalising of the context and situation faced by Indigenous peoples, both in the ongoing case of missing and murdered Indigenous women as well as the problems outlined in the broader context. This was as well seen in both analysed contexts through the discussed attempts to lay blame with the victims for their circumstances and the ongoing violence experienced by them.

An interesting point of overlap between the two areas analysed was found in the list of recommendations in the Action Plan developed by the federal government addressing the crisis of missing and murdered Indigenous women. Recommendation number 9 states, “[t]hat the federal government support provincial, territorial and First Nations childcare agencies in their responsibility to ensure effective and accountable service delivery” (Status of Women Canada, 2014: 16). This is interesting, considering the ongoing Tribunal case where the federal government has spent over three million dollars fighting the demands for equal funding for Aboriginal children in care (Tootoosis, 2014: 68). The question must therefore be asked whether the federal government will follow through on their own recommendations or if they will end up being ignored as have the previous seven hundred.

Through the similarities found in placing the analysis of the broader reality alongside that of the central situation of missing and murdered Indigenous women, a deeper understanding of the context develops. The government's decision on how to address the crisis of missing and murdered Indigenous women, while significant on its own, can as well be seen to be one event in a larger, ongoing process connected by the same underlying logic and dynamic.

6. Discussion: Connecting Violence to Conflict

The research question of this thesis asked: *How should the Canadian government's refusal and response to demands for a national inquiry into missing and murdered Indigenous women be understood?* In order to understand this it is necessary to start from the aforementioned underlying logic, working from the preceding analysis and discussion on the presence of violence both in the Action Plan addressing the situation of missing and murdered Indigenous women, as well as the greater context of Indigenous-Government of Canada relations. Building on the conclusion that the results are indicative of a larger ongoing process and dynamic, the question remains, how is this violence to be understood? Following the logic of Galtung's models, and as outlined in the theory section of this thesis, the suggested key is to be found in the dynamic between Galtung's models of violence and of conflict.

As presented in the description of Galtung's model of conflict in section 3.3, the three corners of the conflict triangle correspond with three central aspects of conflict: contradiction, behaviour, and attitude, relating to structural, direct, and cultural violence respectively. As discussed, while all three are necessary for the presence of a full conflict, the root of any conflict is found in the contradiction, with the behaviours and attitudes making the difference between a latent or full conflict. Drawing from what was developed through the preceding analysis of violence and the developed context, these categories of conflict, as they apply to this situation, can be advanced.

While the analysis indicated a significant level of structural violence present in the contexts explored, these would appear to be products resulting as a consequence of the underlying contradiction rather than the contradiction itself. It is in the discussion regarding the role played by the federal government through the Department of Aboriginal Affairs and Northern Development Canada that the basis of the contradiction can be found. Both section 1.3 as well as section 2.1 discuss Canada's colonial history and highlight the nature of settler colonialism as an ongoing structure guided by Patrick Wolfe's 'logic of elimination', which is focused on territorial gain through removing the inhabiting peoples, and due to its

nature is present until this objective has been reached (Wolfe, 2006: 390). As the historically underlying logic of Indigenous-Canada relations, and due of the ongoing structural nature of settler colonialism, it stands to reason that the present central structure is still affected by the same logic. This is not to say that motivation of active elimination is necessarily present, but that the Indigenous-Canadian government relationship, and subsequently the behaviour of the AANDC, is still guided by the underlying logic of elimination and its goal of territorial gain.

As the central actor in this asymmetric conflict situation, the attitude presented by the Canadian government can be seen in the cultural violence which was analysed and discussed. It is particularly visible in the way the government has described and approached the ongoing situation experienced by Indigenous peoples of Canada, primarily through framing, blaming, and normalising. These can be seen in the focus on framing and normalising the issue of missing and murdered Indigenous women as no more than a matter of crime, placing the blame on the behaviour and attitudes of Indigenous men, and strictly in-community. Furthermore, through creating a frame of corrupt First Nations chiefs and council members abusing funding to the detriment of their communities, as well as framing significant social issues as 'not human rights' (such as the case before the Tribunal), the attempt is made to justify and normalise the situations faced by Indigenous peoples. With these frames and discourses, the impression is given that these are internal community issues and therefore must be internally addressed. If blaming the victim and normalising their situation is the attitude taken towards Indigenous peoples, this does not allow for much in the way of significant and honest progress towards addressing the range of significant issues, especially that of missing and murdered Indigenous women.

The behaviour of the federal government seems to follow from the attitudes discussed. To borrow a phrase from the Canadian Human Rights Tribunal, the behaviour of the federal government in regards to Indigenous peoples has been "far from irreproachable" (Canadian Human Rights Tribunal, 2013: 18). As outlined, this has ranged from the resisting of a national inquiry and the

implementation of the controversial Action Plan, and the sanctions, consequences and repercussions for non-compliance with the discussed government policies, to the significant social and economic issues being left unaddressed, and the discussed behaviour in regards to the Tribunal case. It is significant that much of the behaviour outlined in the analysis of direct violence in this thesis has demonstrated a conscious and active will on the part of the federal government to work in opposition to the demands and needs of the Indigenous population.

Through this model, having all three components of conflict present in the analysed context indicates that in the current state of affairs in Indigenous-Government of Canada relations there is a full and ongoing asymmetric conflict. Following from this, the Prime Minister's assertion that the correct lens through which to view this situation was that of crime only holds true on the shallowest of levels. While the murders and disappearances themselves are certainly criminal acts, when taken together and placed into context, the image which develops is a situation heavily influenced by the deeply rooted structural and social issues which have developed from this ongoing asymmetric conflict. Therefore, the phenomenon of missing and murdered Indigenous women in Canada as well as the government's Action Plan, being the government's method of addressing the problem, should then be understood as being one event within the larger context that is this ongoing conflict.

A question which could certainly be asked is, why, if the problem is known, is it necessary to focus so intently on the lens through which to view said problem, rather than addressing the phenomenon through action? It is important to understand the correct lens within which to frame the reality and roots of the situation in order to address the causes of these ongoing issues, in particular missing and murdered Indigenous women. Furthermore, there is a false dichotomy of options which has been presented and developed through the 'either-or' debate on how to handle this phenomenon: the 'inquiry or action' dichotomy. In order to address this situation there are certainly issues which must be addressed with immediate action, such as those factors clearly affecting the well-being of Indigenous women and communities. However, without knowing what dynamics

are leading to these murders and disappearances, any response will necessarily be no more than a bandage, addressing the symptoms of the problem rather than the cause, as seen in the main pillars of the Action Plan.

To conclude this discussion, an interesting question then arises: If there have been a significant number of studies already performed, what is the benefit in putting time and resources into yet another report on that which is already known? With over seven hundred recommendations sitting ignored and waiting to be acted upon, it is a fair question. Significant benefit however, can be found in a number of potential outcomes. First, although there have been many studies, a national inquiry has the scope necessary to bring these issues to the fore of public attention, helping to engage the broader Canadian population in the significant problems faced by Indigenous peoples of Canada. Secondly, in section 1 it was mentioned that the significant issue of missing and murdered Indigenous men has begun to slowly make its way into public discourse. If a national inquiry were initiated it could be widened to incorporate this developing crisis, investigating and addressing the larger issues and context surrounding this situation. A third benefit, somewhat following from the first two, is to be found in the fact that through investigating and addressing the roots of that which has contributed to the crisis of missing and murdered Indigenous women (and likely men as well), the wider context of social problems would need to be explored and addressed. As shown in this thesis, in addressing these significant social issues, the dynamic of the ongoing asymmetric conflict could potentially be exposed and resolved.

7. Conclusion

This thesis began by asking the question: *How should the Canadian government's refusal and response to demands for a national inquiry into missing and murdered Indigenous women be understood?* In order to respond to this central inquiry, an approach was developed from a quote made by the Prime Minister of Canada asserting that these cases of missing and murdered Indigenous women were crimes and should be considered through such a lens; crime rather than the lens of sociology supported by those groups demanding a national inquiry into the ongoing problem. Derived from the fact that regardless of which lens used, the presence of violence was found to be constant in that Indigenous women are going missing and being murdered, the developed approach was then to analyse deeper for the presence of violence in the larger context. This included the government's refusal and response to calls for a national inquiry, as well as in broader Indigenous-Canadian government relations.

In order to analyse for the presence of violence in the response to missing and murdered Indigenous women as well as Indigenous-Canadian government relations, relevant discourse was gathered from recent government policies and actions affecting Indigenous peoples of Canada, as well as surrounding rhetoric and context. Galtung's violence triangle, through his typology of violence, was then applied against the gathered discourse through the process of deductive thematic analysis. This involved breaking down and highlighting the presence of cultural, structural and direct violence, as the main themes, in the gathered discourse and surrounding context.

The results of this analysis indicated a significant presence of all three forms of violence, both in regards to missing and murdered Indigenous women, as well as the broader Indigenous-Canadian government relationship. To properly understand the relevance of this violence, Galtung's associated model of conflict was then utilised to analyse the demonstrated violence towards providing a framework and logic through which it could be properly understood.

In response to the research question, the conclusion was therefore reached that the state of Indigenous-Canadian government relations indicates the presence of an ongoing full conflict. Therefore, the Canadian government's refusal to holding a national inquiry, as well as their intended plan of addressing the phenomenon of missing and murdered Indigenous women, constitute just one part of the larger ongoing conflict, and therefore should be understood as such. Furthermore, in regards to the crime versus sociology debate, this analysis would suggest the correct lens is in fact one of conflict.

As evidenced by a base contradiction rooted in Canada's settler colonial history, this asymmetric conflict is certainly not new. In order to build from the arguments presented in this thesis, an interesting follow-up would then be to utilise the process employed in this thesis to dig deeper and further back into the history of Indigenous-Canadian government relations, analysing for violence and conflict. Though violence and conflict would certainly be expected, this could allow for a significantly deeper understanding of this conflict and its dynamics, including areas such as which categories of needs were being affected at different points in time, examining for a possible trend in the way the dominant needs being affected have changed. It could as well be used to look for possible fluctuations in the intensity of the ongoing conflict, in particular between periods of latency and periods of full conflict and their subsequent explanations.

Furthermore, due to the nature of settler colonialism being focused on the desire for territorial gain, it would be very interesting to incorporate other policy areas, such as those affecting territorial rights, into this expanded analysis. This could serve to strengthen the argument of an underlying settler colonial logic through possible correlation of these results with those from other analyses, such as the previously discussed fluctuations in conflict intensity.

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