

RESEARCH ARTICLE

Diversifying Methodologies: A Haudenosaunee/ Settler Approach for Measuring Indigenous-Local Intergovernmental Success

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Abstract

Intergovernmental agreements between municipal and Indigenous governments are rapidly expanding in number and importance in Canada and the United States, yet they remain underexamined in the literature. This article considers how to measure the success of these agreements. It takes as a case study the port divestiture agreement between the City of Cornwall (Ontario, Canada), and a neighbouring Indigenous government, the Mohawk Council of Akwesasne. While the agreement represents a partial success and partial failure by conventional public policy and public administration metrics, these evaluations are different when measured against the Haudenosaunee (Iroquois) principle of “one-mindedness.” Findings, which were generated using anthropological and qualitative political science methods, suggest that the use of both Indigenous and non-Indigenous frameworks are required to produce accurate and comprehensive evaluations of these agreements and the outcomes that are produced by them.

Résumé

Le nombre et l'importance des ententes conclues entre les gouvernements municipaux et autochtones augmentent rapidement au Canada et aux États-Unis, mais elles n'ont pas fait l'objet d'un examen suffisamment étayé dans la littérature. Le présent article examine comment mesurer le succès de telles ententes. Il prend comme étude de cas l'accord de désaisissement du Port entre la ville de Cornwall (Ontario, Canada) et un gouvernement autochtone voisin, le Conseil des Mohawks d'Akwesasne. Bien que l'accord représente un succès et un échec partiels de la politique publique conventionnelle et des dispositions de l'administration publique, ces évaluations diffèrent lorsqu'elles sont mesurées à l'aune du principe de la tradition haudenosaunee (iroquoise) de « l'unicité d'esprit ». Les résultats obtenus à l'aide de méthodes anthropologiques et qualitatives en science politique suggèrent que l'utilisation de cadres autochtones et non autochtones est nécessaire pour produire des évaluations précises et complètes de ces accords et des résultats qu'ils produisent.

Keywords: Federalism and Intergovernmental Relations; Policy Evaluation; Policy Implementation; Indigenous Governance; Local Government

Mots-clés: Fédéralisme et relations intergouvernementales; évaluation des politiques; mise en œuvre des politiques; gouvernance autochtone; gouvernement local

Introduction

Over the last 50 years or so, the authority of the nation-state has been challenged and dramatically transformed. Contemporary globalization processes have generated significant externalities for many countries, creating strong incentives for them to co-operate in new and innovative ways. At the same time, citizen expectations with respect to democratic legitimacy have changed, with citizens demanding increased and meaningful inclusion within state-centred policy-making processes. Many countries have responded to these trends by engaging in authority migration, transferring responsibilities and jurisdiction to lower levels (for example, cities and regions) and to higher ones (for example, supranational bodies like the European Union or the International Monetary Fund). They have also developed new mechanisms that better incorporate non-governmental actors and citizens into decision-making processes and policy implementation practices (Alcantara et al., 2016: 36; Bache, 2008). In short, new actors at the local, regional, and supranational levels have emerged to challenge the once dominant Westphalian state (Ansell and Di Palma, 2004; Caporaso, 2000; Hooghe and Marks, 2016; Piattoni, 2010).

At the subnational level, regional governments and municipalities have become crucial actors for addressing a variety of problems that national and provincial/state governments seem ill-suited or unable to solve. One of their most effective tools for addressing these problems is intergovernmental agreements that allow them to pool their resources, co-ordinate their policies, and create formal governance partnerships. These partnerships and arrangements have become a focal point among students of public administration, political economy, federalism and local government (Feiock, 2007; Nelles, 2012; Song et al., 2018; Spicer, 2015; Young, 2012).

Surprisingly, these scholars have not thoroughly studied the emerging intergovernmental relationships between local and Indigenous governments. Indigenous governments in Australia, Canada, New Zealand and the United States have developed over the last several decades into important and powerful actors armed with significant financial resources, land, authority and jurisdiction (Alcantara, 2008; Evans, 2014; Papillon, 2012; Wilson, 2008). Some local governments have responded to the “sudden” appearance of these actors by reaching out and forming co-operative partnerships with them to address a variety of economic, social and political problems.

In the United States, for instance, tribal governments and municipalities have negotiated numerous agreements relating to gaming, fisheries and waterways management, and the provision of municipal services such as garbage collection and policing (Evans, 2011: 665; Webster, 2015). In Canada, Indigenous and local governments have formed partnerships to manage green spaces, build and administer new recreational infrastructure and programming, recruit medical personnel, co-ordinate economic development and planning policies, and deliver a variety of municipal services such as fire protection, handling of 911 calls, water provision and wastewater services. These agreements have become more frequent over the last twenty years and have drawn the interest of upper levels of government and non-governmental organizations that wish to encourage other communities to pursue them (Alcantara and Nelles, 2016; Webster, 2016).

While some scholars have begun to examine the various factors that encourage these partnerships to form in Canada and the United States (Alcantara and Nelles, 2016; Evans, 2011; Webster, 2016), very few have tried to evaluate whether these partnerships have been successful for the parties participating in them. Part of the challenge in assessing these agreements is that they involve Indigenous communities, which some scholars suggest have very different ontologies and epistemologies compared to non-Indigenous peoples (Absolon, 2011; Alfred, 2008; Kovach, 2009). To address these challenges, this article draws upon the policy evaluation literature and the literature on Indigenous political philosophy to construct an analytical strategy for evaluating the implementation of Indigenous-local intergovernmental agreements. It then applies this strategy to a relatively new, innovative and unprecedented agreement that saw the Canadian federal government divest its ownership of a port located on the St. Lawrence River in Ontario, Canada, to the city of Cornwall and the Mohawk Council of Akwesasne (MCA), an Indigenous community straddling the borders of Canada and the United States. Findings suggest that evaluating these partnerships and agreements requires scholars to leverage both locally specific Indigenous and more generalizable non-Indigenous frameworks alongside each other. Relying only on an Indigenous or non-Indigenous framework is likely to produce a distorted evaluation of partnership outcomes.

Data for this article are based on ethnographic research that started in Akwesasne in 2012, with specific attention to the divestiture agreement beginning in 2015 and ending in 2017. Over this period, one of the researchers, Ian, undertook innumerable informal conversations with community members in Akwesasne and Cornwall concerning the divestiture agreement. He also interviewed 32 Mohawk Council Chiefs, representatives of Akwesasne's Aboriginal Rights Research Office (which served as the primary representative of the MCA during negotiations), the Seven Nations Council, the current mayor of Cornwall, current and former CAOs (for example, city managers) of Cornwall, the harbourmaster and the federal Transport Canada officer currently responsible for the port divestiture portfolio. Both the MCA and the City of Cornwall made public and private documents available to the researchers for review. All research was conducted in consultation and with the express permission of the Mohawk Council and in accordance with the guidelines approved by the authors' university research ethics board. As such, interview data are used extensively throughout the case study and analysis sections without attribution unless permission was given to reveal names and use direct quotes.

The organization of the paper is as follows. It begins by presenting two theoretical frameworks and an analytical strategy for applying these frameworks to evaluating Indigenous-local intergovernmental agreements in countries similar to Canada and the United States. Next, it describes the case study before applying the frameworks to it. The paper ends with some reflections on what these partnerships and research findings mean for students of public administration, public policy and political science.

An Analytical Strategy for Evaluating Indigenous-Local Agreements

A traditional social science framework

In many ways, intergovernmental agreements are similar in form and function to government legislation and regulations that outline the contents and delivery of a

particular public policy. Governments negotiate and sign intergovernmental agreements to co-ordinate their objectives, actions, regulations, practices and structures. Once signed, the signatories must decide whether and how to implement them, either individually within their jurisdictions or collectively through formal and informal intergovernmental co-ordination. Conflict and disagreement are managed through negotiation, dispute resolution mechanisms and/or judicial review.

Given their similarities, a logical starting point for building a framework to evaluate intergovernmental agreements is the literature on policy evaluation and implementation. In that literature, scholars have developed a variety of criteria for assessing whether public policies are successful or not. These criteria have tended to inhabit a spectrum between constructivist and positivist approaches (Newman, 2014: 193). Constructivist approaches emphasizing the impossibility of objectivity stress that different actors will frequently and simultaneously view the same public policy as being successful or unsuccessful, depending on their individual situations and preferences and the unique political and social contexts in which they are embedded. Positivist approaches, on the other hand, emphasize methodological rigour and universality, arguing that success can be judged objectively and impartially, regardless of the context, using randomized controlled experiments and systematically collected observational data. A positivist approach, for instance, would analyze a policy in terms of its effect on reducing transaction costs, such as those related to co-ordination, information, and strategy (Alcantara, 2007; Feiock 2007; Imperial, 1998: 15).

Most approaches to evaluating policy success and failure have tended to lie somewhere between constructivism and positivism, viewing “policy evaluation as at least partly a rationalist pursuit of positive and negative lessons, but constrained by contextual biases such as local institutions, partisan politics, political culture, policy legacies, and other path dependencies” (Newman, 2014: 193). In that vein, this paper draws on the work of Newman (2014), who in turn relies heavily on the work of others (Bovens, 2010; Bovens et al., 2001; Kerr, 1976; Marsh and McConnell, 2010;), to identify what success and failure might look like from the perspective of non-Indigenous actors, such as the residents, policy makers and politicians from the City of Cornwall. Specifically, we use the following indicators (see Marsh and McConnell, 2010; Newman, 2014):

- the presence or lack thereof of policy instruments, such as a governance or regulatory body and associated administrative mechanisms, that have emerged since the signing of the agreements;
- the extent to which the policy objectives of both sets of actors at the time of the signing of the agreement have come to fruition;
- the extent to which the signatory groups have benefited from the agreement and in what ways and degrees; and
- the public reaction to the agreement and any activities related to it.

Together, these criteria provide a useful set of measures for what might constitute agreement success and failure. They straddle and encompass both constructivist and positivist tendencies and avoid what some scholars see as problematic binary evaluations at the aggregate level (for example, either success or failure of a policy). Instead, these measures promote a multidimensional perspective by drawing

attention to different areas of success and failure as they relate to a policy or agreement, all of which may or may not be aggregated. They also encourage the use of different magnitudes of success and failure, such as success, partial success, neither success nor failure, partial failure and failure, rather than a dichotomous one (Newman, 2014). These different magnitudes are achieved by aggregating, either in a strict or an informal/contextual manner, the various phenomena that are related to each category. As Newman argues, “divided assessments should be more instructive than universal pronouncements of policy success and failure, because it may be possible for a single policy to succeed in some areas while simultaneously failing in others” (2014: 196).

The need for a mixed-methods strategy

While this framework has been used to evaluate a wide variety of outcomes across policy fields, a growing literature suggests that non-Indigenous frameworks may be problematic when applied to Indigenous political phenomena. Many Indigenous communities view the world in unique ways that are not well captured or represented by non-Indigenous approaches. Margaret Kovach notes “there is a need for methodologies that are inherently and wholly Indigenous” (2009: 13) because, as Kathleen Absolon observes, Aboriginal epistemology is distinctive: “Aboriginal epistemology (the ways of knowing our reality) honours our inner being as the place where Spirit lives, our dreams reside and our heart beats” (2011: 12). It “assumes relationships between all life forms that exist within the natural world. Relationship has a broad inclusive meaning within tribal understanding” (Kovach, 2009: 34).

Indigenous methods and frameworks are also preferable because they give primacy to Indigenous voice. If researchers want to analyze Indigenous phenomena, “an Indigenous research framework with a tribal epistemology ought to be recognized, as opposed to assuming that Indigenous methods can be subsumed under a Western way of knowing” (Kovach, 2009: 35). On balance, Western and non-Indigenous frameworks have frequently distorted and colonized Indigenous knowledge and thought in physically, culturally and intellectually damaging ways (Absolon, 2011: 27; Cole, 2002; Gaudry, 2015). As such, rather than trying to create a harmonized or hybrid framework, Kovach suggests “researchers wishing to use Indigenous inquiry may use it alongside a Western approach that organizes data differently ... thereby using a mixed-method approach” (2009: 35). Given these considerations, below we describe one Haudenosaunee approach and apply it alongside of a traditional social science approach to provide a more balanced and comprehensive evaluation of the port divestiture agreement between the city of Cornwall and the community of Akwesasne.

A Haudenosaunee approach

Indigenous populations each have their own political identities and beliefs and conflating them risks an unproductive essentialism. While this paper recognizes the breadth of arguments for commonality among Indigenous worldviews, its emphasis here is on political principles specific to those Indigenous polities involved in an agreement. As John Borrows (2010) and others note (Alcantara and Whitfield, 2010: 122–23), Indigenous communities have diverse philosophies and

constitutional orders and it therefore may be problematic to try and craft a universal Indigenous theory applicable to all communities. Given that our case study examines the outcomes of an agreement negotiated and signed by the City of Cornwall and the Indigenous government of Akwesasne, we draw upon the Haudenosaunee concept of “one-mindedness” as an additional framework to assess success and failure. Akwesasne is the capital of the Mohawk nation, one of the six nations of the Haudenosaunee (Iroquois) confederacy. “One-mindedness,” as employed here, refers to the principle of multiple perspectives orienting into a shared framework of understanding. Rather than try to reduce the concept to a singular summary definition, we take an expansive view, drawing upon direct quotes from elders and Haudenosaunee scholars where possible.

Recently, the principle of “extending the rafters” has been used to depict establishing friendly relations with others (Queens University, 2017), although it is more frequently employed in reference to domestic and political expansion rather than relationship building (Foster et al., 1984; Muller, 2008: 35). Other political principles linked to respecting autonomy and responsibility, such as the two-row wampum and the covenant chain, are also worth considering. We chose to focus on what we saw as the most pertinent of the available Haudenosaunee political principles given the main objective of our paper, which was to measure the success of Indigenous-local intergovernmental partnerships. The two-row wampum “makes manifest the joint decision of two parties to remain independent together” (Parmenter, 2013: 83) though in this agreement, neither Cornwall nor Akwesasne’s independence was at issue; the relevant measure was the level of collaboration rather than autonomy. Whereas the covenant chain describes the qualities of a successful partnership and the need to maintain, or “polish” that partnership (Venables, 2008; but see also Haan, 2003), one-mindedness is viewed as more preliminary, a prerequisite for the first stages of an agreement and foundational for more long-term collaboration. The newly minted port divestiture agreement has not had the time to tarnish, though the covenant chain may prove a useful concept to consider when investigating it in the long term. Ultimately, the principle of one-mindedness resonated the most with the way that the local actors described the agreement in the interviews.

The refrain “now our minds are one” (Alfred, 2005: 13), or “Now we are of one mind” (Wallace, 2012: 217), is found at the culmination of many permutations of the *Ohenten Kariwatekwen*, or “words that come before all others.” The *Ohenten Kariwatekwen*, commonly called the “Thanksgiving Address,” is a core facet of Haudenosaunee values (George-Kanentiio, 2000: 36).¹ Venables notes:

The content of The Thanksgiving Address follows a sequence of ideas, but the actual words vary with the speaker. The address can also be lengthy, or it can be brief. The purpose of the Thanksgiving Address is to remind all who are present that all life is interrelated and interdependent. (2010: 39)

Venables goes on to cite Akwesasne chief Jake Swamp’s remark that “We have been given the duty to live in balance and harmony with each other and all living things” (cited in Venables, 2010: 39). The interplay of harmony with nature and with people is both a premise and objective of the address. It is premised upon the notion

that explicitly recognizing shared gratitude for the world engenders a deeper level of shared sentimentality.

There are many variations of the address (see Foster, 1974, for a linguistic analysis) and so a concise translation of a Tuscarora address is provided below:

We are thankful for the people. Now we are of one mind.
We are thankful for mother Earth. Now we are of one mind.
We are thankful for the Strawberries and Grasses. Now we are of one mind.
We are thankful for the Trees. Now we are of one mind.
We are thankful for the Animals. Now we are of one mind.
We are thankful for the Birds. Now we are of one mind.
We are thankful for the Corn, Beans, and Squash. Now we are of one mind.
We are thankful for the Four winds. Now we are of one mind.
We are thankful for the Thunders. Now we are of one mind.
We are thankful for the Sun. Now we are of one mind.
We are thankful for Grandmother Moon. Now we are of one mind.
We are thankful for the Stars. Now we are of one mind.
We are thankful for the Creator. Now we are of one mind. (Wallace, 2012: 218).

The words are stated daily as part of traditional Haudenosaunee spiritual practices. Several elders that one of the researchers interviewed remarked that the words must be spoken to continue bringing the world into existence. They are also used to open political meetings and other events. Taiaiake Alfred's (2005) third book begins with an acknowledgements section that contains his adaptation of the address. The same words, or a variation thereof, are sometimes used at the end of the day or at the end of meetings. In the experiences of one of the researchers, an elder from Kahnawake gave the address at the start of an academic conference and then, in another variation, to close the conference. He explained that having come to one mind, it was now time for participants to leave and return to their own minds, having learned, shared and taken something from the event.

The Thanksgiving Address originated in the Creator and demonstrates gratitude, respect and obligation for the natural world (George-Kanentiio, 2000: 35). John Mohawk points to the Peacemaker as bringing these ideas into political practice. He writes:

Other political philosophers and organizers have come to the conclusion that governments can be formed for the purpose of establishing tranquility, but the Peacemaker went considerably further than that. [...] Righteousness refers to something akin to the shared ideology of the people using their purest and most unselfish minds. It occurs when the people put their minds and emotions in harmony with the flow of the universe and the intentions of the Good mind or the Great Creator. The principles of righteousness demand that recognition be given to the reality that the creation is indeed for the benefit of all equally (cited by Barreiro, 2010: 241).

When employed politically, these principles become a means for once-opposed clans or nations to come together at the start of a political proceeding. Even if

they disagree on some fundamental political issue, all must still recognize an appreciation and respect for the earth.

Along these lines, coming to one mind is not simply a practice of personal spiritual piety, but a means to overcome, in part, the intersubjectivity that can hinder political discussion. It is a form of alignment or calibration. By beginning a meeting with a joint statement of shared appreciation (specifically for the natural world, which is something that transcends cultural distinction), participants can begin their discussion on the same “footing” (Goffman, 1974; Kalman, 2016). It offers an underlying ideal within the more pragmatic consensus-model of traditional governance, which has continued from confederation to present.

One-mindedness represents one measure of success that is clearly rooted in an Indigenous political practice. Drawing on Chief Swamp, one can ask, does an inter-governmental agreement between a municipality and Indigenous government recognize and practice balance and harmony among the parties involved and between them and the natural world? Do they share a respect, obligation, and appreciation, towards the natural world? In doing so, do the participants’ minds come closer to “one-ness”?

Viewed through this lens, it is in the process of an agreement as much as the implementation that success can be measured. The ability to embark on an enterprise together rooted in shared understandings and values, particularly those related to the natural world, is something that should not be taken for granted. Even among political agreements that are not successful, the capacity to come to one mind with another party engenders a different sort of recognition than they may have had in the past. It sets the foundations for a more enduring and righteous relationship in the future.

The Port Divestiture Agreement: A Short History

Neighbouring one another across the St. Lawrence River, Cornwall and Akwesasne’s relationship has waxed and waned over the years. Numerous Mohawks from Akwesasne live in Cornwall proper and many work, study and shop there. Relations between the communities are multifaceted. Friendships across the river are common, marriages are not unheard of, but there is also deep-seated prejudice and resentment toward Akwesasne among some residents of Cornwall (and vice-versa). Relations suffered in the 1990s when a booming cross-border cigarette trade coupled with increasingly militarized border enforcement led to a social and political distancing of the two communities. This shifted slightly when the government of Cornwall strongly supported Akwesasne after protests at the arming of border officers in 2009 led to the closure of the port of entry, isolating Akwesasne from easy access to Cornwall. With the re-opening of the port in the city of Cornwall, there was less active support and it became harder to drive between Akwesasne and Cornwall than it had been in years past. Despite regularly scheduled meetings between the MCA and the city of Cornwall over the past several years, the port agreement represents their most substantial collaboration to date (Kalman, 2016).

The Port Divestiture Agreement between the Mohawk Council of Akwesasne (MCA) and the City of Cornwall is one of several divestitures that took place

when Transport Canada decided it wanted, in the words of one interviewee, to “get out of the port industry” starting in 1995. Previously, this department owned and operated port lands throughout Canada. The divestiture process involved giving port lands to interested subnational governments, along with funding for cleanup and basic operations. Once the lands are divested, however, all responsibilities and liabilities are transferred to the new owners and they are required to continue operating normal harbour operations for a period of two years, after which they can repurpose the lands. While negotiations began in 2013, the agreement was not finalized until after the formal termination of the divestiture process in 2016. At this point, Cornwall and Akwesasne were “grandfathered in.” This agreement was the first and only 50:50 split of divested port lands in Canada.

Both Cornwall and Akwesasne had expressed interest in taking over the harbour since the late 1990s. Both also had a strong case for doing so, Cornwall because the harbour is located within its municipal boundaries and Akwesasne because the river lands are part of its ancestral territory and continue to be subject to several land claims. Negotiations in 2000–2001 and 2004–2005 failed to get off the ground. Any joint ownership agreement was stymied by the fact that neither party was willing to sacrifice a controlling interest to the other.

The desire to take over the port was intensified when Transport Canada subleased the lands to the Trillium Corporation. Because these were federal lands, Trillium was not subject to provincial or municipal oversight and, to the chagrin of Cornwall and Akwesasne, installed chemical storage tanks without consulting them. While Akwesasne and Cornwall government officers recognized that the contents of the tanks were likely harmless to the eco-system, their presence fostered significant public disapproval.

For many years, Cornwall’s primary industries included chemical and paper manufacturing plants that poisoned the river. Cornwall residents told one of the researchers about the horrendous stench of the river and described acid rain and mists that had eaten away clothing left out to dry. In Akwesasne, these plants had devastated the local river-based economy. According to Bruce Johansen (1993), the environmental impact of these industries was catastrophic and led to political and economic instability in Akwesasne in the 1980s and early 1990s. This was a path to which neither Cornwall nor Akwesasne were keen to return and both saw the use of the port for chemical storage, even if ostensibly benign, as a step backwards. Akwesasne has a longstanding history of trying to protect the river—many live on islands along the river, travel by boat and fish and trap along it. For Cornwall officials and residents, the installation of Trillium’s tanks represented a hindrance to its recent push to beautify the river-lands and facilitate the construction of new commercial and residential waterfront properties. At present, the harbour is primarily used for storage and large-scale docking, with a city-owned marina offering berths for ships up to 115 feet closer to the town centre.

Several factors contributed to a new willingness to accept a 50:50 split in 2014. First, as discussed above, Trillium’s tanks were met with mass public disapproval from both communities, all of whom were more interested in getting rid of the storage tanks than deciding on who was in charge. Second, Akwesasne had recently installed a new grand chief with a reputation for pragmatism and a strong interest in fostering ties with surrounding communities. Third, Transport Canada,

Cornwall and Akwesasne's government officers cited a spirit of reconciliation as part of a broader Canadian zeitgeist. Though not designed as an act of reconciliation, the agreement subsequently became seen as an opportunity to join in it. Fourth, competing claims by both the MCA and Cornwall represented something of an impasse; if either party claimed a controlling or unilateral ownership of the port, the other could potentially embark upon a long and costly legal claim to supersede them. Finally, divestiture money would no longer be available after 2016 and so this moment represented the last chance to get what was seen as a good deal from the federal government.

As a result of these factors, representatives of the MCA, the city of Cornwall, and Transport Canada began meeting to hammer out the details of a divestiture agreement. Negotiations began in 2013 and resulted in a letter of intent signed in February 2014 followed by a memorandum of understanding (MOU) in June 2014, which was subsequently ratified by Council. This MOU represented a substantial step forward in collaboration between Akwesasne and Cornwall.

Following the MOU, the parties negotiated a final agreement called the "Port Divestiture Co-Owners Agreement," which laid out the specifics of co-ownership and co-operation of the port. The agreement was signed by the city of Cornwall and ratified by the MCA in a resolution on April 25, 2016. To take over ownership of the port, Cornwall and Akwesasne created two corporations: the Cornwall Harbour Development Corporation and the Akwesasne Harbour Development Corporation respectively. The two corporations then agreed to co-tenancy and the formation of a Cornwall-Akwesasne Port Development Commission as per the Port Divestiture Co-Owners agreement. Presently, the port is continuing regular operations as a harbour, as specified in the terms of Transport Canada's divestiture process. As discussed in interviews with the harbourmaster and government officers, the harbourmaster continues to run the port while the terms of agreement for the bi-lateral committee are selected and more concrete plans are made for the port lands. The next section of the paper evaluates the agreement and its outputs using the non-Indigenous and Indigenous frameworks presented above.

Analysis

Conventional metrics: instruments, objectives, benefits and public reaction

This section evaluates the port divestiture agreement by focusing on four measures that are emphasized as being important in the public policy literature: the presence or lack of policy instruments related to the agreement; the extent to which the policy objectives of the actors have come to fruition; the extent to which the signatory groups have benefited from the agreement; and finally, public reactions to the agreement and any activities related to its implementation. Generally speaking, the evidence suggests that the port divestiture agreement was partially successful in terms of generating policy instruments and the extent to which the parties benefited from the agreement. It was neither a success nor failure in terms of fulfilling the specific policy objectives of the signatories and was a partial failure in terms of how Cornwall and Akwesasne residents reacted to it.

In terms of policy instruments, analysis of public and private documents, news reports and interview data suggest that the agreement has been partially successful

given that only some of the governance structures and bodies required to enact the agreement have been created so far. The City of Cornwall and the Mohawk Council of Akwesasne have created corporations—Cornwall Harbour Development Corporation (CHDC) and Akwesasne Harbour Development Corporation (AHDC) (Akwesasne Harbour Development Corporation, 2016)—to enable joint ownership of the divested port (MCA and Cornwall, 2016: 1). The parties have also agreed to create a Cornwall-Akwesasne Port Development Commission, made up of four representatives from each community, to oversee day-to-day operations and eventually spearhead a process for future development planning. This joint commission, however, has yet to be formally constituted. In the meantime, the harbourmaster continues to oversee the operation of the port.

In terms of the extent to which the policy objectives of the actors at the time of the signing of the agreement have come to fruition, the evidence suggests that the agreement has neither been a success or failure. The key short-term objective that motivated both parties to negotiate and complete the divestiture was to get rid of the Trillium chemical tanks and rezone the port lands to prevent industrial uses. The long-term objectives for both parties are to develop the port lands for commercial uses, such as a farmer's market, a brewery and other shopping ventures, and as a tourism destination for fishing and cultural immersion. Interviewees from both communities stressed how the port could be an important destination for tourists interested in visiting neighbouring Indigenous communities, purchasing Indigenous art and exploring how British and French settlers worked with Indigenous communities to survive in the Cornwall area.

Very few of these objectives, however, have been accomplished beyond the rezoning of the port lands. As part of the port divestiture agreement, Transport Canada insisted that the signatories operate the port lands as is and respect all existing leases for a period of two years before making any significant changes. As a result, there have not been any opportunities for the two governments to achieve any of their objectives, except for the rezoning one. Recent media reports (Hale, 2017a) and interviewee data suggest, however, that once the two-year period ends, the leases will be rescinded and serious discussions about developing the port lands will begin.

In terms of the extent to which the signatory groups have benefited from the agreement, the evidence suggests that the agreement has been a partial success. From a financial perspective, the port has generated a positive balance sheet. In terms of expenses so far, there have been very few beyond paying the salary of the harbourmaster and covering minor expenses such as new padlocks for gates and buildings. In terms of revenue, the divestiture agreement included a lump sum payment of \$5.3 million to be used on ministry-based criteria (predominantly cleanup). The co-owners are obligated to report use of this money for the next 15 years, with any unspent money returned to the federal government. Additionally, if lands are sold within the next 20 years, the federal government must be paid back according to an annually declining scalar rate. None of this money has been spent as of yet and so the interest from this money is being accumulated and will be spent on future developments once the joint commission is created. The port also generates lease fees from the Trillium Corporation and collects port fees from visiting vessels. These port fees, however, are minimal, given the fee schedule imposed

on the port by Transport Canada during the mandatory two-year period. Finally, prior to completing the divestiture agreement, Transport Canada paid for a number of environmental assessments to be done on the port and contractors from the City of Cornwall completed these assessments. In short, these activities suggest partial success, given that while the port has accumulated some revenues since the signing of the agreement, none of the parties has directly benefited from those revenues at this point of time. Nonetheless, those revenues will continue to accumulate and will eventually be used by the joint commission to create direct benefits for the governments and citizens of Cornwall and Akwesasne.

In terms of public reactions to the agreement, the evidence suggests that the agreement should be assessed as a partial failure; the general public in Cornwall and Akwesasne have been indifferent to the agreement since its completion and there has been some vocal opposition from a very small group of residents in Akwesasne called the Seven Nations Council, a group that is fundamentally opposed to the existence and activities of the Mohawk Council. Prior to the signing of the agreement, however, public outcry over Trillium's storage tanks at the Cornwall harbour seemed to incentivize both governments to negotiate shared ownership of the port during the divestiture process. Once the port was divested, media coverage and citizen attention towards the storage tanks immediately died down as did interest in the port. The mayor of Cornwall confirmed that while initial concerns over the tanks were an initial push for the agreement, complaints subsided shortly after his election. Conversations with residents of Cornwall unaffiliated with the harbour or government reflect these sentiments; none of them expressed either awareness or interest in the agreement. As per the terms of the collective agreement, it is not anticipated that the tanks will remain in the long term.

Similarly, and despite community consultations and notifications on the part of the Mohawk government, many members of the Mohawk community are largely uninterested in or ignorant of the agreement. A notable and vocal exception is the Seven Nations Council, a small group of residents who claim the voice of legal authority for Akwesasne and who have long contested both longhouse governments and the federally recognized Mohawk Council. Active Seven Nations council members constitute no more than a few dozen of Akwesasne's 14,000 members. Nevertheless, they are quoted as the primary voice of dissent in several news stories concerning the port divestiture agreement (Baker, 2016; Hale, 2017b). Within the community, their criticism of the agreement served as an instantiation of the broader criticism and trepidation that some residents feel towards the MCA.

At a fundamental level, any agreement conducted by the MCA is problematic in the eyes of the Seven Nations and similarly minded groups because these types of partnerships are fruit of a poisonous tree; if the MCA is illegitimate, so too are its agreements. However, the port agreement represented a particularly troublesome development and an opportunity for the Seven Nations to assert themselves more publicly. One Seven Nations member expressed concern that dredging up the harbour would devastate the ecosystem and that the port would invite illicit activities that would endanger the well-being of children. In response to these concerns, a representative of the MCA informed us that many of these complaints are rooted in "misunderstanding and misinformation" because the port is already in existence and a stated primary goal is to protect the river lands.

Another point of contention is whether the divestiture agreement represents a forfeiture of land claims by the Mohawk Council of Akwesasne. When one of the researchers spoke with the Seven Nations, they believed that rather than a 50:50 split of all port lands, the divestiture agreement involved Akwesasne receiving 50 per cent of the harbour lands, “the bad parts,” and Cornwall receiving the “good” parts. The reality, however, is that the divestiture agreement does not divide the port lands in this way. This misunderstanding may speak to the limited capacity of the MCA to educate members about the agreement, despite stated efforts to consult with community members since the 1990s (Baker, 2016) including, more recently, holding three information meetings in the community and raising the issue at a June general meeting in 2016 (Rodrigues, 2016). While one-mindedness may remain a core traditional political principle and objective, efforts in its direction are ongoing and not without challenge within Akwesasne.

Overall, public reaction has been apathetic, with some opposition in Akwesasne from the Seven Nations Council and similarly minded residents. Most Akwesasne residents the researchers spoke with were unaware or only vaguely aware of the agreement. Given these findings, the agreement and its implementation should be considered a partial failure on the indicator relating to public reactions.

One-mindedness

This section explores the port divestiture agreement by drawing on the Haudenosaunee concept of “one-mindedness,” which emphasizes the following aspects. Does the agreement and its implementation recognize and practise balance and harmony among the parties involved and between them and the natural world? Do they share a respect for, obligation to and appreciation of the natural world? In doing so, do the participants’ minds come closer to “one-ness”?

Interviewee data suggest that the port divestiture agreement was firmly rooted in a joint interest in respecting the St. Lawrence River and keeping it clean for present and future generations. Though residing largely on opposite sides of the shore and in very different political, social, economic and cultural contexts, Cornwall and Akwesasne share a strong relationship with and appreciation of the river. Government officers in Akwesasne almost unanimously saw the agreement as a success story. Immediately after making those remarks, discussion turned not as much to the particularities of the agreement or its long-term effects, which remain indeterminate, but the fact that the agreement occurred and the relationships that were built through it, in the words of one chief, “regardless of what happens.” Similarly, the Mayor of Cornwall flatly stated, “It is a success story. We’ve been able to carry it to completion and that alone is a success. It shows that we can work with our neighbours from Akwesasne.” A Mohawk government officer and negotiator in the process asked us to share these sentiments: “This [agreement] is something good, we worked for this and we see a real future for this land. And we weren’t fighting with the municipality for once.”

A brief textual analysis of the preambles of Akwesasne and Cornwall’s agreements suggests a quiet yet steady shift in their positions towards one another. The first collaborative document, the letter of intent, signed in February 2014 begins with a general statement of the two government’s objectives:

In keeping with the National Marine Policy [...] the Corporation of the City of Cornwall and the Mohawk Council of Akwesasne are desirous of arranging a transfer of the above-mentioned Port (the “Port”), with a view to providing: services that are more cost-effective; local operations that are more responsive to local needs; and levels of service that more closely match local demands.²

The letter neither indicates that Cornwall and Akwesasne have distinct obligation nor does it suggest that co-operation as an objective in itself. This position began to shift in the memorandum of understanding signed on June 23, 2014, the first substantive document co-produced by Cornwall and Akwesasne. It acknowledges the distinct obligations of the MCA and Cornwall municipal government and depicts them in parallel. After referencing the letter of intent, the MOU’s preamble begins:

WHEREAS Cornwall recognizes and acknowledges Akwesasne’s historical connection to the Port Lands as part of its traditional territory and its obligation to act in the best interest of its members;

AND WHEREAS MCA recognizes and acknowledges Cornwall’s obligations as a municipal corporation to act in accordance with applicable legislation and in the best interest of its citizens.

While the MOU began with an acknowledgement of the distinct objectives of the two governments, its text represented the first substantial agreement between the two as to what is to be done. These shared sentiments are brought to the forefront in the MCA’s ratification of the MOU written shortly thereafter: “WHEREAS, the transfer of the Port Lands to the parties represents an historic opportunity for the parties to work together in a spirit of good faith, mutual respect, understanding and harmony.” By this point, the agreement was framed not simply as an opportunity to provide “levels of service that more closely match local demands” as suggested in the letter of intent, but something more, a historic opportunity for partnership. Two years later, the 2016 MCA resolution ratifying the co-owners’ agreement began with a preamble that reflected this relationship:

WHEREAS, the Mohawks of Akwesasne and the city of Cornwall are neighboring communities that have a long, shared history of positive relationships and interdependence; And,

WHEREAS, the parties desire to develop a partnership that will implement joint initiatives along the North Shore of the Saint Lawrence River that will benefit both communities.

Juxtaposed, these preambles demonstrate a shift both in the framing of the port divestiture agreement and the relationship between Cornwall and Akwesasne. While we have chosen to emphasize interview data and the agreements here, the

creation of the Joint Port Commission offers similar evidence of their strengthened connection and collaborative capacity.

One-mindedness is a useful metric for looking at the success of intergovernmental agreements between these Indigenous and municipal actors because it subverts the barriers of intersubjectivity in measuring what constitutes success among frequently disparate parties. While Cornwall and Akwesasne may want different things out of the agreement or view the same goals in different terms, the starting point was an acknowledgement of something shared. Beginning from that point and proceeding onwards demonstrates that such agreement is possible both at that moment and in future enterprises. One-mindedness is both a prerequisite for successful intergovernmental collaboration, and an end in itself, a necessity for future harmony between people and other living things. Viewed as such, it should be taken not simply as a condition for success, but as an outcome as well.

To be clear, the connection made here about the agreement and one-mindedness is the authors' own and not one that was proffered by interlocutors in Akwesasne. The choice to focus on one-mindedness came from one of the author's conversations with people in Akwesasne and his long-term engagement with traditional and elected government officials. As quoted earlier in this section, interviewees from the Mohawk government wanted the researchers to share Akwesasne's perspective that the agreement was a well-earned success. Drafts of this paper were sent to the MCA and the government of Cornwall. When the authors suggested that the principle of one-mindedness could be a useful framework for analyzing the port agreement, Mohawk government officers readily agreed and both governments acknowledged that our analysis resonated with how they, themselves, measured the success of the agreement.

Conclusion

This paper offers not only an analysis of the port divestiture agreement between the governments of Cornwall and Akwesasne, but also a methodology for analyzing other forms of intergovernmental co-operation between Indigenous and non-Indigenous governments in Canada and other settler societies. Conventional models for analyzing policy agreements offer a useful path for researchers: identifying an agreement, establishing a timeline and holding the agreement up for scrutiny based on established metrics. The process of analyzing agreements through Indigenous models deserves greater attention, however, if at least to help establish an "interpretive equilibrium,"³ and most likely must be done in close consultation and dialogue with the community. Researchers should try to become familiar with the Indigenous community's political teachings; this is best accomplished through a broad engagement with ethnographic literature and conversations with elders and leaders. Data collection and observation should drive the choice of analytical model, rather than the other way around. Ideally, Indigenous interlocutors will offer a means by which to measure the agreement on local terms. However, if this is not the case, researchers can select those political principles that (1) offer the best fit for the specific qualities of the agreement in question; and (2) mesh with how people within the community assess that agreement. Researchers should develop this selection and the subsequent analysis in dialogue with the community. This was the case with our choice of one-mindedness over other political principles,

such as the covenant chain or two-row wampum. It is conceivable for one person to do the ethnography and have knowledge of the appropriate literatures but, given the complexity and diversity of Indigenous political principles within and among First Nations, there are advantages to a team-based interdisciplinary approach. Similarly, while it may be possible to obtain the required data for analysis through interviewing at a distance, longer-term ethnographic engagement offers a richer analysis and recognition of a given community's multivocality (Alcantara et al., 2017).

While we think this paper provides new and important insights into the study of Indigenous-settler politics and policy, we recognize that there is room for further refinement, debate and development of our ideas. For instance, it is worth noting that while we have discussed the relative power of Cornwall and Akwesasne within the agreement, our evaluation does not explicitly explore the role of deeper power dynamics inherent in settler colonialism (Alcantara and Morden, 2017). Furtherance of our approach would benefit from more direct attention to this factor. While one-mindedness is a lofty objective, researchers should be wary of instances in which it is used to justify agreements that were more the consequence of coercion than cooperation.

Nonetheless, we hope that this paper will spur others to think about how Indigenous and non-Indigenous theories and approaches might be used simultaneously to analyze Indigenous-settler political relationships. Future research might build upon this work by examining a broader range of cases and drawing upon different sets of Indigenous political concepts depending on the Indigenous communities involved. Others might investigate the normative and analytical implications of trying to formulate or apply universal Indigenous frameworks or frameworks that harmonize Indigenous and non-Indigenous thought. In our paper, we deliberately avoided these strategies in light of the concerns raised by Indigenous scholars about the colonial nature of Western frameworks and the diversity of Indigenous philosophies among Indigenous communities in Canada. We invite others to explore these questions further across a variety of political, policy and theoretical domains.

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Notes

¹ The *Ohenten Kariwatekwa* is, as with many Indigenous spiritual and political practices, a challenging subject to address in written academic discourse. Any effort at discussing an oral tradition in written form risks presenting a dynamic cultural practice in static terms or, worse still, forcing it into those terms. Recent scholarship has criticized the longstanding canon of "Iroquois Studies" for, among other reasons, selectively picking and choosing among Indigenous knowledges to bolster an invented canon of "tradition" (Simpson, 2014). The authors' knowledge of the terms is rooted both in textual analysis of the hundred-plus years of scholarship interested in the address (texts cited here when applicable) and dozens of presentations and discussions with elders and various longhouse people in both Akwesasne and its sister community, Kahnawake, since 2011.

² The researchers had access to the government documents leading up to the agreement.

³ We thank one of the reviewers for suggesting this phrase.

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