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## A Study of Six Nations Public Library: Rights and Access to Information

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Graduate Program in Library & Information Science  
A thesis submitted in partial fulfillment of the requirements for the degree in Doctor of Philosophy  
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## ABSTRACT

Contemporary Indigenous public libraries play a critical role in providing access to information in Indigenous communities. My research focuses on the relationship between rights and access to information for individuals and communities within the context of Indigenous public libraries. I use a qualitative case study methodology of the Six Nations Public Library (SNPL) in Ohsweken, Ontario, Canada. Interviews were conducted with SNPL patrons and library management and with off-reserve participants from government and library associations.

I analyse four themes, library governance, rights, library value and access to information, which are outcomes of the SNPL case study findings. This analysis reveals that access to information at SNPL is embedded in a complex inter-relationship of governance that limits funding, recognition and support for this library. This research also demonstrates that access to information is an Indigenous cultural right through international human rights, including the UN Declaration on the Rights of Indigenous Peoples. However, a key finding is that Canadian human rights and the Canadian Charter of Rights and Freedoms, 1982, do not support the full access to information at Six Nations Public Library and requires more discussion. In addition, while access to information for this library is an Indigenous cultural right, this is not recognized by the federal government in Canada because it is not included in the mandate of Indigenous and Northern Affairs Canada (INAC) (as it was previously known) charged with administering the controversial Indian Act, 1876, and funding social and economic development on reserves. While the case study shows that Six Nations Public Library promotes culture, literacy, well-being, social justice and Indigenous cultural rights, without access to resources including through federal funding Indigenous librarians struggle to meet the information needs of their communities.

I use the key findings from this case study to evaluate an adapted capability approach framework based on the human rights and poverty work of Amartya Sen and Polly Vizard. This framework incorporates substantive freedoms, and meta-rights and their obligations and the degree to which they support access to information as a basic human need. This dissertation contributes to scholarship by demonstrating that Library and Information Science discourse is limited regarding the relationship between rights and access to information at Indigenous public libraries.

## Keywords

Indigenous public libraries; Six Nations Public Library; First Nations public libraries; capability approach; human rights.

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## LIST OF ABBREVIATIONS

AANDC	Aboriginal Affairs and Northern Development Canada
CCRF	Canadian Charter of Rights and Freedoms
CFLA-FCAB	Canadian Federation of Library Associations / Fédération canadienne des associations de bibliothèques (CFLA/FCAB)
CHRA	Canadian Human Rights Act
CRTC	Canadian Radio-television and Telecommunications Commission
CWB	Community Well-being Index
CIW	Canadian Index of Well-being
FOPL	Federation of Ontario Public Libraries
FTE	Full time equivalent
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IFLA	International Federation of Library Associations and Institutions
INAC	Indigenous and Northern Affairs Canada
JASI	Joint Automation Server Initiative
LAC	Library and Archives Canada
LIS	Library and Information Science
MTCS	Ministry of Tourism, Culture and Sport
NALA	National Aboriginal Library Association
NAPLO	National Aboriginal Public Library Organization
NRC	National Reading Campaign
OLA	Ontario Library Association
OLS-N	Ontario Library Services – North
OPLS	Ontario Public Library Statistics
SNEC	Six Nations Elected Council
SNPL	Six Nations Public Library
SOFNPLC	Southern Ontario First Nations Public Library Committee
SOLS	Southern Ontario Library Services
TASCHA	Technology & Social Change Group, University of Washington
UDHR	Universal Declaration of Human Rights
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

## CHAPTER 1: INTRODUCTION

“All Things Six Nations’ that’s how we like to talk about it”.

*Six Nations Public Library Interview Participant*

### 1. Introduction

This dissertation explores the situation of Indigenous public libraries in Ontario by focusing on a study of the public library of the Six Nations of the Grand River Territory. The Six Nations Public Library (SNPL) in Ohsweken is situated on one of the largest First Nations reserves<sup>1</sup> in Southwestern Ontario and home to over 13,000 Six Nations of the Grand River residents<sup>2</sup> (Six Nations of the Grand River Community Profile, 2018). I evaluate access to information at Six Nations Public Library from a rights perspective, arguing that such access is an international cultural right under the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). I take a purposeful interpretation of the Canadian Constitution and Charter of Rights and Freedoms that considers the social, economic and cultural realities that define contemporary Indigenous public libraries. In this interpretation access to information is seen as an obligation and duty under section 35 of the Charter to provide access to information as this is a public informational service. I also locate this research within a theoretical framework drawing on Amartya Sen’s expanded capability approach that includes a human rights perspective to substantive freedoms inherent in access to information. Using this approach, I argue that public libraries are social and cultural institutions that can ensure people have access to information when the public library is discussed as an ethical space for engaging with and reasoning through issues of justice including distributive justice (Poole, 1972, Ermine, 2007). As social institutions, public libraries facilitate access to information through goods and services, which enable

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<sup>1</sup> Giokas (1995: 166) notes that special reserves refer to section 36 of the Indian Act, that “authorizes treating lands that are not held by the Crown to be treated as reserves and subjected to the Indian Act reserve land regime so long as they are “set apart for the use and benefit of a band”. He also notes that this includes the Six Nations reserve at Brantford and that “courts have divided over whether it is held by the Crown in trust for the band, or whether the band itself owns the land in fee simple. It has nonetheless been found to be a reserve under section 36. 620. In *Isaac v. Davey*, supra note 517, Osler J. at trial judge thought the band did hold their land in fee simple, but the Court of appeal (51 D.L.R. (3d) 170) disagreed. The Supreme Court of Canada [1977] 2 S.C.R. 897 did not rule on the issue” (Ibid.)”.

<sup>2</sup> Six Nations of the Grand River has a membership of over 25,000 people.

people to generate capabilities to be and do the things that they value. As a cultural institution they support cultural expression in its many forms through literature, music, performances, programming, community, new media and art. Using the case study of Six Nations Public Library, I explore information access and rights through interviews with Six Nations Public Library community members on-reserve and public library stakeholders located in library organizations and associations off-reserve. The perspectives and opinions of Indigenous and non-Indigenous scholars in library and information science, political philosophy and law help document this case.

A common perspective that is supported by a number of international and domestic human rights is that access to information is a fundamental human right (Roy and Hogan, 2010; Mathiesen, 2007; Edwards and Edwards, 2010; Phenix and de la Peña McCook, 2005). It is therefore an injustice when one is denied, or one has limited access to, informational resources and the freedom this may bring in terms of what one values in terms of cultural expression. It is also unfair when these resources are distributed unequally when they are provided as free public goods and services in Canadian society off-reserve.

For the past half century, Indigenous librarians in Canada have been actively promoting their libraries as important community places by advocating for support from the federal government and local leadership for funding. I drew this conclusion from a review of documents authored by various Indigenous librarians and those interested in Indigenous libraries, for example, Blake, Martin, Pelletier (2004), OFNPLSC, (2004), Edwards (2005); the National Reading Campaign (2013), Demers et al. (2014), Burnham, (2017), Lynch (2017) and Saunders (2012) among others. Their advocacy stems from an interest by community members in the informational needs and well-being of their Indigenous communities. They not only continue to see a need for libraries, but that the libraries on reserves are generally poorly-funded and under-resourced. In Ontario, the focus of this dissertation, off-reserve public libraries are funded through municipal taxes, while First Nations public and community libraries are mostly funded through their Elected Councils. The Elected Council, the predominant local government on-reserve, often has limited resources available for the delivery of services. Injustices articulated in the Indian Act, 1876 and its policies continue to determine the lives of Indigenous peoples in Canada. Discussions on nation-to-nation treaty relationships and nationhood, the issues around self-

government and self-determination, and reconciliation are ongoing in the political engagement between Indigenous peoples and the Canadian state (Palmer, 2015; Simpson 2008; Simpson, 2014; Dickson, 2015; Russell, 2000; Patterson, 2005; Sanderson, 2016; Monture, 2014; Manuel and Derrickson, 2017; Borrows, 2016; Cardinal, 1999) In Ontario, 46 First Nations public libraries have inadequate resources in terms of access to the Internet, print and electronic resources, buildings and access to trained and qualified staff. In this dissertation I attempt to understand the complexity of this inadequacy by exploring social, cultural and distributive justice in relation to Indigenous public libraries and the freedom inherent in access to information.

A number of inter-related experiences led to the development of my research question. I lived in Namibia and South Africa during and after the apartheid era, and the independence from 'White rule' in both countries. I also worked in, or visited many libraries in African countries, where the vestiges of institutionalized racism during colonialism and apartheid in the organizational social structures still work to undermine equitable access to information, including in public libraries. Like countries under colonialism and apartheid, Canadian Indigenous public libraries on reserves appeared to me to be facing similar challenges of inequality. Cairns (2005:5) notes the following (no changes were made to the text and it reflects the original terms used by Cairns):

Although Third and Fourth World peoples were both subject to the hierarchy of imperialism, the latter were never treated as peoples/nations on the road to independence. In Canada, Indian peoples were placed outside the standard working of the majority's constitutional order and governed in geographically discrete communities by superintendents who were the domestic counterparts of district officers in British colonial sub-Saharan Africa. The system of Indian reserves could be thought of as transitional appendages to the mainstream constitutional order, while the policy of assimilation – for which church-run residential schools were key instruments – eroded cultural diversity. In the context of Canadian domestic imperialism, therefore, the governing logic of the state was that indigenous difference was transitional: to be overcome by state pressure and inducement.

My experiences with public libraries led me to question the state and functioning of Indigenous public libraries in Ontario in terms of equality and social justice. My overarching question is what happens when Indigenous public libraries are an exception and lie outside the institutional structures of justice and what are the implications of this on the lives of those who value these institutions for the opportunities they offer? I questioned

the repercussions when basic entitlements such as access to information for Indigenous peoples are placed outside, or are absent, in the constitutional order and when Indigenous law is subsumed as the co-evolving mechanism in the Constitution, 1982, articulated through Aboriginal and Treaty Rights.

Four related factors suggested to me that this was an important issue. The first relates to a paper I wrote during my doctoral studies at Western on Indigenous libraries globally, which demonstrated that there is limited scholarly and empirical material on this topic. The second was the call by a group of Indigenous librarians “to ensure that Aboriginal communities across Canada have access to the same fundamental institution that all other Canadians enjoy — properly funded public community libraries, as described in the attached document from the National Aboriginal Public Library Organization (NAPLO)” (NRC, November 5, 2013). The third factor was information that I gathered by speaking directly with First Nations librarians and asking questions about their libraries in Ontario. The fourth factor was an online course I completed at the University of British Columbia with Professor Jan Hare on ‘Reconciliation Through Indigenous Education’.

These factors confirmed that First Nations libraries in Ontario not only operate differently to off-reserve libraries, but that they face significant challenges in providing adequate services to their communities. This dissertation is therefore an outcome of my initial observations of the similarities between my experiences in Africa and what I was observing in Ontario in relation to First Nations libraries. My research has subsequently led me through the complexity of the international, federal, provincial, and Six Nations Elected Council administrative and legal structures as well as their obligations and duties in mandates and policies that provide an insight into the limited support for Indigenous public libraries. Through this research, I hope to further discussions on equality, justness and fairness in relation to Indigenous public libraries by demonstrating the links between rights, access to information and social justice.

## **1.2. Access to Information and Human Rights**

The Western or normative view of human rights is expressed in the Universal Declaration of Human Rights (UDHR), which describes human dignity, well-being and equality of rights as an important foundation for individual freedom and justice. Yet Indigenous

peoples have articulated their own rights, which are embodied in the United Nations Declaration on the Rights of Indigenous Peoples<sup>3</sup> (UNDRIP). The UNDRIP is supported by the UDHR but reflects an Indigenous Peoples' positioning on individual and collective rights. I am interested in how rights and freedoms, embedded in major declarations and conventions, can articulate public library ideals and therefore access to information. How does the UNDRIP express access to information to support Indigenous public libraries to meet the information needs of library users in an environment of individual and collective rights?

In LIS literature, Articles 19 and 27 of the UDHR articulate the rights pertaining to freedom of expression and the right to take part in cultural life respectively and represent the essence of the public library ideal – freedom of expression and a right to culture. While freedom of expression is a fundamental human right, Article 27 is a specific human right to protect minority and majority cultures from non-discrimination within nations. This Article was included because of discriminations, which were not adequately protected by Article 1 of the UDHR (Macklem, 2016). Articles 19 and 27 are rights that are interrelated with the other 38 articles of this Declaration, which is described as a common standard of achievement for individuals and organs of society. It is through teaching and education that the respect for these rights and freedoms are to be promoted progressively both nationally and internationally to ensure universality, effective recognition and observance. In addition, these rights are to be promoted among the peoples of Member States of the United Nations and among the peoples of territories under their jurisdiction (UDHR, 1948). In Canada, the justness of these rights and freedoms, jurisdictional territories, progressive definitions and universality of these articles are controversial in discussions between Indigenous leaders and the Canadian government. In parallel, the UNDRIP defines Indigenous peoples' right to self-determination and their right to determine their economic, social and cultural development (Article 3); their right to distinct political, legal, economic, social and cultural

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<sup>3</sup> UNDRIP: Article 1, Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law. Article 5 Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State. Article 8 1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture (UNDRIP, 2007).

institutions (Article 5); and the right to maintain, protect and develop their cultures through technologies and literature (Article 11) (Henderson, 2008; UNGASS 2007). These provisions of the UNDRIP frame access to information through Indigenous public libraries and resonate with the articles of the UDHR, however, more discussion is required regarding individual and collective rights in order to locate these articles purposefully in the research question.

Articles 19 and 27 of the UDHR are considered to be aspirational rather than legally binding on states. Similar articles in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) are made binding when they are adopted nationally. These convention rights therefore have the potential to impact access to information when they are adopted in domestic legislation – Indigenous and non-Indigenous - or policies. The impact is both material in terms of physical infrastructure of public library development and in terms of supporting the intellectual and socio-cultural aspects related to the well-being and cultural expression of library users. These convention rights in the context of the UNDRIP could support equal access to information for all citizens – Indigenous and non-Indigenous peoples - in a given state. In such circumstances, these rights would be implemented through justice-enhancing institutions that support and promote access to information nationally. In this respect, the public library in Canada is a unique public institution that supports and is supported by access to information at a provincial level through provincial library legislation. In addition, the public library is a site for freedom of expression and culture in Canada and can be interpreted to fall under the constitutional right of freedom of expression, a fundamental freedom. The ability of public libraries to deliver services depends on the extent to which society (broadly defined) supports a version of the public library ideal within established legal and policy frameworks set out by government and library organizations and associations in Canada.

Context therefore plays an important part in public library development and the provision of services for library patrons and the community at large. For example, my experience of the Masiphumelele community library near Cape Town, South Africa is very different from that at the highly urban, busy Toronto Public Library. Masiphumelele community library is located in a township that is described as a mix of formal and informal



housing (largely tin shacks) with limited service delivery, high unemployment and a population with a high proportion of youth and children. This population is mostly comprised of Xhosa-speaking South Africans and people from other African countries. It has also been the site of unrest, including extreme xenophobic and criminal violence (Crush, 2008). This is an example of a township established for occupancy by Black South Africans under the apartheid government (Group Areas Act, 1950, repealed).

Masiphumelele and Toronto libraries strive to represent the public library ideal, which is to provide access to information through library services that are open to all. Yet the levels of services provided are different, which is an outcome of their contexts. In stark contrast to Masiphumelele library, the Toronto Public Library is one of the oldest public libraries in North America and Canada, with branches throughout Toronto. This library is relatively well-resourced with a high level of social influence, where advocacy for human rights and funding is ongoing. While both libraries attempt to live up to their ideal level of service, context-specific factors such as funding streams, public support, historical legacies, community awareness, as well as local politics play a role in their development.

Indigenous public libraries in Ontario are likewise context-specific. The context of each Indigenous public library depends on the sovereignty of Indigenous nations and the territory where the library is located. The historical reserve system plays a varied role in service delivery. In addition, Indigenous public libraries have different funding streams in comparison to off-reserve public libraries. For example, some Indigenous public libraries are clearly listed in their community's development plans, which is then presented to the federal government for funding, while others are not. This is in contrast to off-reserve, municipal public libraries, which are generally funded by contributions from local property taxes through municipal governments. In the absence of a federal mandate for Indigenous public libraries for the establishment of Indigenous library services, Indigenous public library development is only reflected in short term funding programs through federal departments such as Library and Archives Canada or in provincial funding for First Nations public libraries salaries and operation in Ontario for example.

An important part of the development of Indigenous public libraries is their commonweal whereby their libraries are developed through the interest of their community members. This is in contrast to the commonweal embedded in historical and democratic

public library institutions that situates the public library in the basic social, political, cultural and organizational structure of the Canadian state and Canadian society. In concert with this public library development there are a number of public library associations that support public library mission statements and advocate for their continued recognition as a public good. However, there is no national Indigenous library association that brings an Indigenous voice to these matters.

Indigenous librarians and community members rely on their relationship with their Elected Councils to support their libraries often including the re-direction of funding sources that are allocated to other community priorities. This relationship in turn is contextualized within nation-to-nation treaty agreements with the Canadian Crown and federal and provincial governments for service delivery. Therefore, the context of Indigenous public libraries, when compared to off-reserve public libraries, is different. An Indigenous interpretation of the public library ideal would be based on Indigenous philosophies and rights that reflect this perspective on their libraries. Thus, context, in its broadest sense (social, economic, cultural, political, or historical) plays a key role in determining commonweal, funding and related resource availability for service delivery to support the long-term function of the public library in societies.

While Canada subscribes to both the UDHR and the UNDRIP, Indigenous public libraries nevertheless are particularly disadvantaged in terms of service provision (OFNPLSPLC, 2004; Blake, et al., 2004; Aboriginal Library Services Working Group and Mary Cavanagh, 2009; O'Neil, 2016; Newman, 2004, 2011; Demers, et al., 2014; O'Neil, 2016). While public libraries are generally lauded as enhancing individual and community well-being through providing high levels of access to information, Carpenter, (2013) confirms that there does not appear to be federal recognition of this for Indigenous communities. Those First Nations communities that do have public or community libraries recognize the value of these libraries and claim that they should benefit from the same advantages provided by well-funded public libraries off-reserve. In this dissertation, I therefore decided to pursue a case study of an Indigenous public library to better understand how rights enable access to information in the context equality and justice where the UDHR, the UNDRIP, the ICCPR, the ICESCR, Indigenous law and the Canadian Constitution all contribute to the discussion on access to information in various ways.

Library and Information Science (LIS) is an interdisciplinary field and as a result I consulted many perspectives including those from philosophy, social sciences, law, economics and Indigenous studies to understand the relationship between access to information at Indigenous public libraries and various rights in Canada. While this is a rights-based approach it is also an approach referenced by Indigenous librarians to try and reason through the unquestioned normative public library ideal said to be premised on equality, democracy and social justice. I developed a timeline of LIS literature on the relationship between public libraries, access to information and human rights from the 1990s. This timeline indicates that LIS scholars are showing a growing interest in this field of enquiry.

In Canada, the importance of public libraries has been established through literature that reflects the development of trends especially with regards to the political role of public library boards (in Ontario for example) and the public value of libraries more generally (Bruce, 1994; Fitch and Warner, 1997). However, it is the newer trend where technology intersects with the public library that has elicited discussions on the function of the public library and its role in society (Smeltzer, 2001; Julien and Anderson, 2003; Bigg, 2005; Schrader and Brundin, 2012; Mansell, 2002). The Ontario First Nation Public Library Strategic Plan Liaison Committee (OFNPLSPLC) (2004) developed a strategic plan for Indigenous public libraries in light of emerging technology trends and how this could affect their libraries and communities.

Similarly, discussions on communication rights and the right to communicate draw the public library into a relationship with freedom of expression in a digital world (Rasmussen, 2004; Birdsall, 2004, 2005, Raboy and Shtern, 2010). However, Rasmussen (2002) and Birdsall (2008) note that the UNDRIP is a right that already has a communicative value, which broadens the discussion on rights and access to information to encompass Indigenous rights. Other literature on the history of the public library and librarianship in support of human rights and the public ethos of libraries as one of justice is summed up in the statement by Phenix and de la Peña McCook (2005: 25) that “acts on behalf of human rights happen in every library every day”. This statement has become something of a rallying cry for human rights, public libraries, librarianship and social activism (Samek, 2007; Edwards and Edwards, 2010).

Edwards and Edwards (2010) expand on the UDHR, especially freedom of expression and the right to take part in cultural life, arguing that public library discussions must include political, civil, social, economic, cultural rights because these rights are central to the broader role of public libraries in a pluralist society. Within the ambit of cultural rights, their work also draws attention to Indigenous public libraries and the role of these libraries in providing access to information for Indigenous communities (Edwards and Edwards 2010; Albarillo, 2010; Roy and Hogan, 2010; Poppeliers, 2010; Edwards, 2010; Mathiesen, 2012). Stamatopoulou (2012) establishes the place of culture in human rights for Indigenous peoples, which further supports the cultural role of public libraries identified by both Indigenous and non-Indigenous scholars (Callison, Roy, and LeCheminant, 2016; Roy, 2016; Roy, Bhasin, and Arriaga, 2011; Carter and Orange, 2014). These perspectives call for further exploration of culture and Indigenous rights including their individual and collective orientation and provide a further rationale for this dissertation. It also calls on the international and Canadian public library community to reconsider their role in presenting a normative public library ideal. Presenting the fundamental tenets of public libraries as equal, just and fair hides inequality, injustice and unfairness under an unquestioned transcendental institutionalism that is not realization-focused and fails to take the social, economic, political, cultural and technological realities of Indigenous public library users or Indigenous public libraries on reserve into account (Sen, 2009).

Scholars and others reflect on the societal influence of libraries from an economic point of view (Jaeger, 2010; Becker, 2010; 2011; Jaeger, et al., 2011; MPI, 2013). Their work reflects that public libraries are increasingly used because they offer more opportunities to access online information. However, budgets, policy shifts, technology and infrastructure pressures are resulting in a new way of thinking about the public library in the new public-private, neoliberal economy (Jaeger et al, 2012; Haycock, 2016). Similarly, the growing need for access to information and the right to the Internet is acknowledged by the United Nations and reflects a fundamental shift in the role that public libraries play in society (UNGASS, 2011; Halpin, et al., 2015).

There is an argument for defining a public library philosophy more definitely because of shifts in the informational landscape and because technology is perceived as an

all-consuming information source in contemporary society (Osburn, 2009; Mathiesen, 2015b). The tenacity of the public library as a public, social and cultural institution is recognized in the concept of the library as a social transcript, a cultural technology, as the possible foundation of a public library philosophy (Osburn, 2009) The public library ideal is likewise considered too narrow a concept to meet the newer informational needs of a pluralist society especially when this ideal relies on an outdated theory of democracy generally used in LIS (Buschman, 2007).

The works of scholars such as Buschman (2007, 2018), Osburn (2009; 2014), Mathiesen (2014, 2015), Roy, Bhasin, and Arriaga (2011), Callison, Roy and LeCheminant (2016), and McMenemy (2014) reflect a new positioning of the public library in LIS literature. Their work on re-interpreting the centrality and validity of democratic library ideals, questioning justice or perspectives on Indigeneity give depth to this positioning. A recent investigative report on library and archives services contextualizes this position for Canadians, including Aboriginal Canadians and new Canadians (Demers, et al., 2014). This report explores Canadian society's expectations of libraries and archives in the 21<sup>st</sup> century by consulting multiple voices that build community. The authors identify changes that are occurring because of the integration of physical and digital resources contributing to newer interpretations of information services that reflect the public good in a revolutionized technology-driven world but what of rights?

In this brief description of the timeline of the literature related to my research, my overall conclusion is that there is limited research and scholarly discourse on the relationship between rights, equality in access to information and public library services for both on-reserve Indigenous and off-reserve public libraries in Canada. However, this research is particularly important in the cultural and historical context of Indigenous public libraries (Demers et al., 2014; Burnham, 2017; Edwards, 2005; Patterson, 2000; Roy and Hogan, 2010; Saunders, 2012). This dissertation therefore draws on discussions on the social, economic, political and cultural aspects of contemporary Indigenous public libraries and how they reflect distributive justice and opportunities to access to information. Within this context, the research question asks how do rights affect Indigenous public library development in relation to access to information for individuals and communities? In order to answer this research question, I identify two research objectives. The first objective is to

describe, explain and evaluate information-related rights. This objective uses the rights identified and described in the literature reviewed. These rights are then evaluated in terms of how they flow through international and domestic legislation to meet their mandates of providing equitable information access. The second objective is to understand the experiences of the SNPL community and their use of the library to access information within the range of rights identified and how this affects their opportunities. Methodologically, I use a case study research design and draw on primary interviews, scholarly literature, reports, legislation and policy documents.

This research question and the objectives are conceptually framed in an adaptation of Amartya Sen's capability approach by Polly Vizard. Vizard (2007) uses a particular perspective that draws on the substantive freedoms, rights and obligations as tenets of the approach (Sen, 1997, 2004, 2009) (see 1.3. below). In adapting Vizard's capability approach I use individual and collective public library values to develop informational functionings and capabilities from interviews with the Six Nations Public library community and off reserve participants to understand how the library reflects rights and helps library users achieve what they value through the services provided. The findings are based on responses from SNPL library users, management (person-in-charge and staff), board members, community partners, trustees and off-reserve representatives of library organizations and associations.

### **1.3. Framing the Research Question**

I have used Amartya Sen's capability approach to conceptually frame the research question. This approach focuses on individual advantages, which are judged "by a person's capability to do the things he or she has reason to value" (Sen, 2009: 231). It also focuses on interpersonal differences, which is different from other theories of justice that use income or happiness as their 'currency of justice' to measure equality or justice. These latter theories do not focus on interpersonal differences or human life, which makes Sen's capability approach an alternative theory of justice. In the capability approach, the 'currency of justice' is expressed as freedoms and opportunities, rather than one that is measured by resource distribution or welfare. Sen (2009) explains this by pointing out that

the “means of satisfactory human living are not themselves the ends of good living.” (Sen, 2009: 234).

The capability approach centres on two main points of evaluation: a person’s actual ‘functionings’ that are achieved (or one’s ‘doing’ or ‘being’ in an Aristotelian sense and what we manage to achieve), and ‘capabilities’ as the freedom to achieve (or the realization of those functionings through the real opportunities that we have reason to value) (Sen, 1997; 1999). For example, in this dissertation’s case study of SNPL, functionings were observed when participants spoke about the personal value of visiting the library. These functionings include being informed, being social, and having access to books or the Internet, or about being Haudenosaunee or Six Nations of the Grand River. In this sense, functionings can be used to indicate well-being achieved and freedoms enjoyed (Sen, 1997: 135).

Freedoms and opportunities are the focal point of the second point of evaluation. They are the capabilities to achieve functionings (or the ‘capability set’). Capabilities describe “the freedom that a person actually has to do this or be that - things that he or she may value doing or being” (Sen, 2009: 232). Thus, a capability is the “ability to achieve various combinations of functionings that we can compare and judge against each other in terms of what we have reason to value” (Sen 2009: 233). In the context of the case study, it is the institutions that are (or are not, as the case may be) capability-enhancing and provide opportunities for individuals or communities to make choices that affect their well-being. These institutions are Six Nations Public Library, Haudenosaunee Hereditary Council, Six Nations Elected Council, the provincial and federal governments and the international rights regime. Other public library organizations that support these rights are also included. For example, in this dissertation’s case study of SNPL, capabilities were observed when participants went to the library to use online or digital resources; to use the library services such as the fax; to enjoy the film night or will information workshops; or to use the Wi-Fi outside the library after the library was closed to submit an assignment to their university’s online learning system.

The capability approach supports the role of public goods (or public provisioning), for expanding the equity of basic capabilities (Sen, 1999). This public good argument is one for freedoms and opportunities (such as social, economic, political, technological and

cultural ones) to access to information as a basic need. It is also one for efficiency because not every individual can have their own library. I agree with Sen in this regard, that the library does support individuals' functionings and opportunities (or capabilities) that are information-related. I therefore argue that the public library is a public good that has the potential to be supported by fundamental freedoms, through international and national institutions whose mandates are premised on human rights and legal rights through public provisioning.

Building on Sen's work, Polly Vizard (2006) uses an expanded capability approach, which includes the complementary role of the international rights regime for individuals to pursue opportunities that have meaning for them. In this approach she argues that expanded capabilities mitigate capability deprivation. In this sense, human rights and capabilities are mutually reinforcing because they enhance a person's capabilities to be something or to do something that they value. However, in enhancing these capabilities it is the perfect and imperfect obligations of these rights that enables or disables a person's functionings and capabilities. In this dissertation, I argue that there is a need to understand informational rights and their obligations and how they affect functionings and capabilities in relation to access to information at Indigenous public libraries.

#### **1.4. Positioning of the Research Question and Justification for the Six Nations Public Library Case Study**

As a non-Indigenous person planning to undertake a study of a public library on a First Nations reserve, I had to determine whether this was possible or not because of Indigenous protocols that are in place to protect Indigenous peoples and their knowledge. I began developing an informal social network of First Nations librarians and others interested in Indigenous public libraries. I visited the Woodland Cultural Centre on Six Nations land in Brantford, Ontario and it was in discussions with the library staff at the Centre where I learnt about the Six Nations Public Library (SNPL). I also attended a First Nations Public Library Gathering in North Bay, Ontario, which is an established annual workshop-conference sponsored by the Southern and Northern Ontario Library Services. At the 2017 and 2018 OLA Super Conferences in Toronto, I attended the Ontario Library Association Indigenous Task Group gatherings.



In the early stages of the research process, I contacted Dr. Susan Hill who was a professor at Western University at that time and was introduced to the CEO of SNPL, Dr. Sabrina Redwing Saunders. As a result, Dr. Saunders invited me for my first visit to SNPL in the summer of 2016 to discuss my proposed research. There was interest in the topic from the SNPL Board, which subsequently allowed my preliminary investigation to proceed as I developed my proposal. I obtained formal permission from Western University and the Six Nations Elected Council ethics review boards to undertake this study with the support from the SNPL Board.

At every step in the development of this dissertation I tried to reason through the history of two distinct public library systems, one on-reserve and the other off-reserve with the understanding that First Nations library experiences, including that of the SNPL community, were different from my own. In this regard, I found Cree ethicist, Willie Ermine's (2007) work on an ethical space of engagement helpful and used his concept to organize these two distinct perspectives on public libraries. This ethical framing seemed appropriate for public libraries and the rights and freedoms inherent in the development of both Indigenous and non-Indigenous public libraries. In ethics, debates help to define the capacity to know what harms or enhances the well-being of sentient creatures and engage questions of morality, notions of good, responsibility, duty and obligations, and the transgressions by others, or how our actions infringe or violate the space of others (Ermine, 2007: 194). Ermine creates an "analogy of a space between two entities, as a space between the Indigenous and Western thought worlds" (ibid.). The space is initially constructed of difference and diversity between human communities and represents the unique differences that underlie "distinct history, knowledge tradition, philosophy, and social and political reality" (ibid.). Ermine (2007) also sees a similarity between peoples and cultures when there is a physical or philosophical encounter between Indigenous and Western world views.

I use this concept of the ethical space of engagement to reason through these distinctions with the aim of coming to an understanding of differences (Appendix 3). In an ethical space that engages with cultural distance, I conceptualized the discussion of Indigenous public, community libraries and the non-Indigenous public library as two distinct social, political, technological, economic and cultural realities. Such an ethical

space is created by people by framing multiple interconnecting relationships and I found this to be an appropriate way of understanding the context-specific public library ideal. In positioning the research question, I conceptualized the context of Six Nations Public Library and my own non-Indigenous perspectives on public libraries as two distinct identities and the interconnecting and ethical space between these identities. This particular positioning of an ethical space for engaging in dialogue between Indigenous and non-Indigenous public libraries is novel in LIS scholarship.

In using this ethical space of engagement, I had to deliberately engage with political perspectives in Canada that have indirectly and directly affected the development of the SNPL. This includes matters of self-determination and sovereignty between Indigenous peoples and the Canadian state (Monture, 2014, Russell, 2000; Macklem, 2016), multiculturalism, co-existence and Indigenous difference (Taylor, 1992; Kymlicka, 2008; Cairns, 2005; Macklem, 2007), treaty negotiations discussions (Dickson, 2015; Borrows and Coyle, 2017), reconciliation (Manuel and Derrickson, 2017; Sanderson, 2016; Borrows, 2016), and identity and Indigeneity (Simpson 2008; Simpson, 2014). These perspectives underpin issues of justice and in this dissertation, it is how this affects peoples' lives when there is limited access to informational resources.

Both the 1996 and the 2016 Truth and Reconciliation Commission of Canada reports provided a timeline of events for changes in Canadian attitudes to Indigenous peoples. The TRC report is used by the CFLA-FCAB and the OLA to pursue recognition and reconciliation in public library development and access to information for Indigenous communities (Callison 2017; OLA, 2018). Of further relevance to this dissertation is the discussion on the co-evolving mechanism of the Constitution, which is section 35 of the Constitution Act of Canada, 1982 that recognizes and affirms "the existing aboriginal and treaty rights of the aboriginal peoples of Canada" (Constitution Act, 1982) (Gover, 2016; Bryant; 2016; Newman, 2016). This reform recognized that the constitutional relationship between Aboriginal peoples and Canadian sovereignty required reconciliation and discussion on how to articulate Indigenous law in relationship with Aboriginal and Treaty Rights of the Canadian state. These discussions are ongoing but provide a perspective on service delivery for library services.

Macklem and Sanderson's (2016) edited volume by Indigenous and non-Indigenous authors discusses Indigenous peoples' sovereignty and treaty rights and which provided a foundation for my discussion on social equality and distributive justice. Methodologies that reflect constitutional law and Indigenous-state relations also resonated with the capability approach and its focus on individual, collective identity and cultural expression (Turner, 2016; McHugh, 2016; Sanderson, 2016; Borrows and Coyle, 2017; Newman, 2016). Discussions on the federal and provincial governments duty to consult with First Nations was important for understanding the treaties including the Haldimand proclamation in relation to Six Nations of the Grand River with reference to current land development (Hill, 2017; Monture, 2014; Gover, 2016; Dickson, 2015). Without consultation with Six Nations of the Grand River, their social and economic life is adversely affected.

I also reviewed Canadian human rights in relation to the Indian Act to understand the current state of reconciliation (Sanderson, 2016). Vizard's (2006) perspective on the substantive freedoms inherent in the capability approach provided important theory in this respect. When legal mechanisms such as the Canadian Charter are reviewed in the context of the Indian Act,<sup>4</sup> their support for social and economic development including for Indigenous public libraries in the future or for access to information for Indigenous communities, remains unclear (Borrows, 2016). I used Macklem's (2007) work on Indigenous difference and the Constitution of Canada to understand Indigenous cultural rights and their role in supporting Indigenous access to information. In this regard, a significant finding from the case study and the sources triangulated in the analysis is that there is in fact no legal mechanism in place through Indigenous and Northern Affairs Canada (INAC) for either Indigenous public libraries or access to information on reserves at the time of the research. Restructuring at INAC has resulted in a name and portfolio change when their mandate was divided into Indigenous Services and Indigenous Crown Relations in 2017 (Ryckewaert, 2017). Thus, while the public library ideal is upheld across

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<sup>4</sup> The Indian Act is a focus of many of the Indigenous economic, social, political and cultural complexities in relation to 'reserves' and their historical development (Giokas, 1995). According to Sanderson (2016) while the Act does the following badly it does important work: It "sets out the powers of Indigenous governments, creates a system of land holdings and property interests, provides for the education of Indigenous children (because provincial legislation does not extend to the Indian reservations), establishes programs for financial assistance, provides for the legal authority to issue warrants in Indigenous communities to maintain peace and order, determines who is and who is not legally an Indian person, and sets out the electoral process in Indigenous community elections" (Sanderson, 2016: 323).

all public libraries in Canada, Indigenous public libraries are challenged to meet this ideal without federal support (OFNPLSPLC, 2004). Federal funding is not available for Indigenous public libraries and there is only minimal funding through a provincial government of Ontario public library operating grant and a First Nations public library salary supplement (Allen, 2012).

### **1.5. Introducing the Six Nations Public Library**

The history of Six Nations of the Grand River Territory has directly affected the contemporary politics of SNPL. The Six Nations of the Grand River are part of the Haudenosaunee Confederacy, which has been politically active for the past 400 years. The village of Ohsweken was established in 1860, and the Traditional Haudenosaunee Council building was constructed by 1863 close to where the SNPL stands today (Hill, 2017). The village was established at the intersection of two main roads, about 20 kilometres from the town that is known today as Brantford. The town takes its name from Joseph Brant<sup>5</sup> (Thayendanegea, Mohawk Chief) who led negotiations with the British to re-settle Haudenosaunee from northern New York state to the Grand River area. Because the Haudenosaunee had fought with the British, they sought British reparations after the American War of Independence (see Figure 1). The Six Nations of the Grand River Territory is comprised of Seneca, Oneida, Onondaga, Cayuga, Mohawk and Tuscarora nations (Monture, 2014). Some of these nations located here in 1784 as a result of the Haldimand Treaty negotiations, while other Haudenosaunee were already established in the area. Haudenosaunee of the Six Nations of the Grand River Territory were participants in the Grand Council meeting in 1866 to discuss the sovereignty of nations at a time of fundamental structural changes to their way of life prior to Canada being created in 1867. These changes were led by the Dominion of Canada and the Department of Indian Affairs (DIA) that established the Indian Act of 1876, which imposed changes to traditional Haudenosaunee Council internal matters. Subsequent changes were made through a series

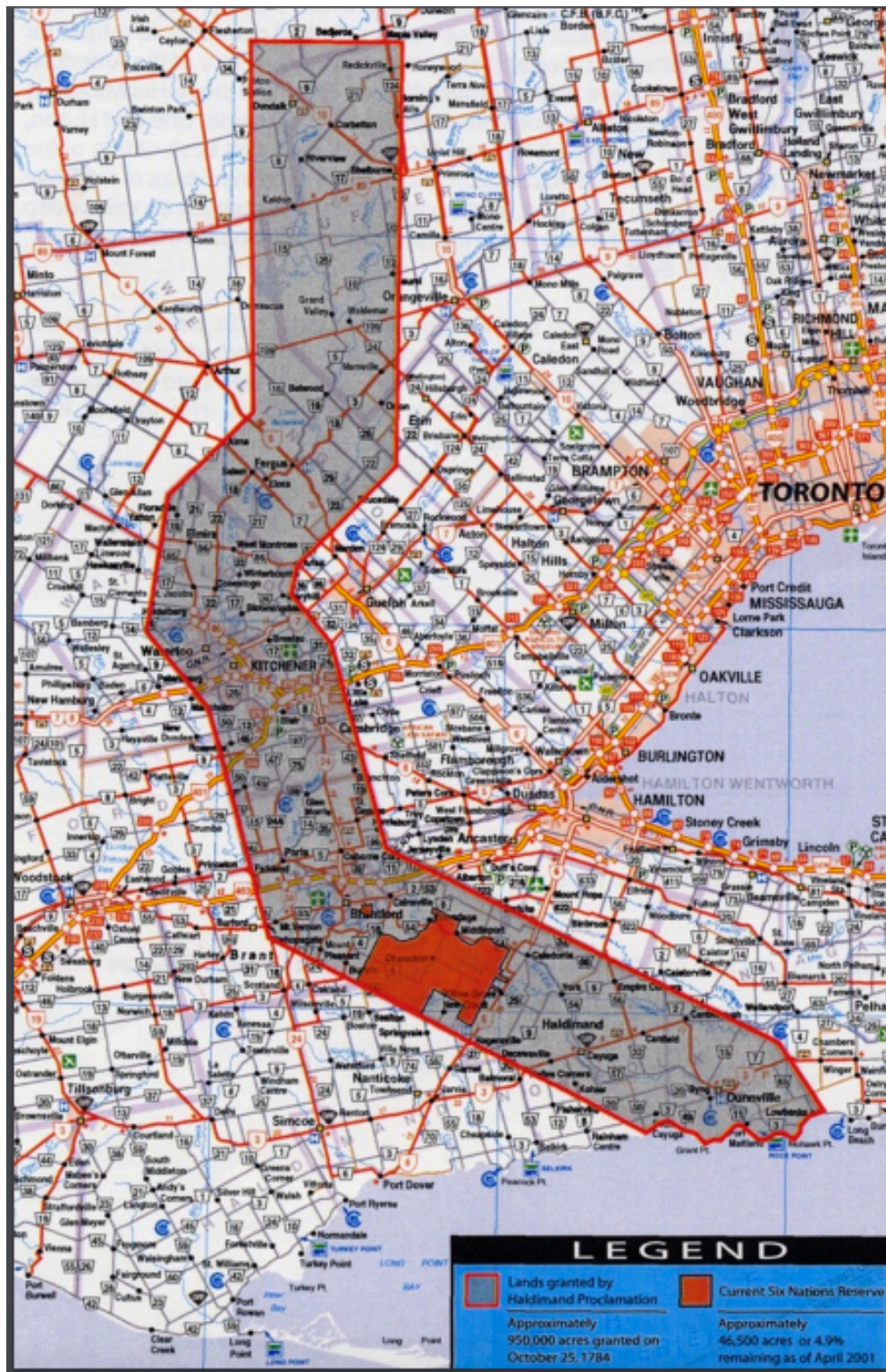
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<sup>5</sup> The British did not make provision for the Six Nations at the Treaty of Paris in 1783. As compensation they were given land in Canada, moving westwards to Kahnawake, Akwesasne and Kanehsatake and the Grand River area. By 1860 the Six Nations moved again when the government consolidated their territory between 1844 and 1847 (Hill, 2017).

of amendments to this Act, which continues to govern and determines the lives of Indigenous peoples in Canada (Giokas, 1995; Hill, 2017; Monture, 2014). In 1876, the Dominion government continued to interfere with Indian lands and property by reducing the amount of land that each Six Nation individual held through the Haudenosaunee Council. In 1884, the Department of Indian Affairs (DIA) reduced the Haudenosaunee Hereditary Council's authority and installed a federal superintendent as Council chair, which in effect reduced the Council's hereditary power. Since the Hereditary Council is guided by the values and principles of the Great Law of Peace (Haudenosaunee), this reduction in power was significant to the Haudenosaunee (Hill, 2017: 187) The Haudenosaunee Grand Council is also located at Ohsweken, the other Grand Council (Haudenosaunee) being in New York state and both are an important part of Haudenosaunee sacred codes and laws.

The DIA removed the Haudenosaunee Council in 1924 and installed an Elected Band Council to manage the affairs of the Six Nations of the Grand River (Johnson, 1986). The Department also gave the Elected Band Council authority to manage the Haudenosaunee Council's annuity fund, which supported land affairs (Hill, 2017). The Six Nations Elected Band Council currently manages the affairs of the Six Nations of the Grand River (Monture, 2014; Coleman and McCarthy, 2013). In 2006, the Haudenosaunee Hereditary Council was re-installed and now manages treaty relations with the Crown. These events and dates are significant. They show that the contemporary situation at Six Nations of the Grand River territory has a long history and that the shift in the power balances between the British Crown, the Canadian State, the Haudenosaunee Council and the Six Nations Elected Band Council is complex. The Six Nations of the Grand River have an established sovereignty and a distinct Haudenosaunee belief system (Hill, 2017; Monture, 2014). As a reflection of this, the Haudenosaunee are recorded in epics, traditions, and customs reflecting their philosophy, principles and values in constitutions and historical and contemporary treaties and discourse (SNEC, 2013; Monture, 2014; Hill, 2017; Simpson, 2017; Coleman and McCarthy, 2013).

**Figure 1: Map of the Current Six Nations of the Grand River Reserve (in red) in the Context of the Land Granted by the Haldimand Proclamation**



Source: Six Nations Council [www.sixnations.ca/maps.htm](http://www.sixnations.ca/maps.htm)

It is within this historical context that the Six Nations Elected Council Resolution established the public library at Ohsweken on 3 March 1966. The Ohsweken Public Library Board held its inaugural meeting on 18 March 1966 (Saunders, 2012). Fundraising for the proposed Pauline Johnson Memorial Library began through the Ohsweken Women's Institute and the Ohsweken Public Library Board and a donation of \$500 from Bernice Loft-Winslow who is considered the library's first benefactor. When the library opened its doors in 1968 it was called the Six Nations Public Library, which is significant because the name includes all peoples of Six Nations of the Grand River Territory, not only the village of Ohsweken. SNPL cards can be used at other local First Nations libraries. The mission of the Six Nations Public Library is "to enrich lives and build community while ensuring multi-format access to resources for life-long learning, research, culture, and historical archives" (Saunders, 2012:10). An important part of the history collection is the collection of rare, contemporary and digitized historical documents at SNPL. These documents provide important resources in support of Six Nations of the Grand River Territory sovereignty and Haudenosaunee treaties such as the Kaswentha and Silver Covenant Chain.

## **1.6. Naming and Terminology**

Naming and the use of terms that reflect the collective of 'Indigenous peoples' under discussion is a consistent theme that emerged during this research. According to Henderson (2008: 46):

...since cultural diversity has become the defining characteristic of humanity, no universal, unambiguous definition of the concept of "Indigenous peoples" exists in international law. No single accepted definition captures the diversity of Indigenous heritages, cultures, histories, and current circumstances, or the relationship to the state or states within whose political boundaries the Indigenous community resides... All attempts to define the concept, however, recognize the linkages between people, land, and culture, and they are almost always formulated in the broader context of international efforts to ensure Indigenous peoples' status and rights.

As Roy<sup>6</sup> (2016:7) notes: "Who is Indigenous? Like Indigenous peoples themselves, the full cultural, historical, and contemporary significance of this question is generally avoided,

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<sup>6</sup> Lorie Roy is Anishinabe, enrolled on the White Earth Reservation, and a member of the Minnesota Chippewa Tribe (Cited from her University of Texas at Austin, School of Information webpage).

overlooked, and undervalued.” She also states that Indigenous people know who they are because they are determined by their tribal communities and they are “defined, identified, and accepted by Indigenous communities” (ibid.). In contrast to these more recent statements, McMillan and Yellowhorn<sup>7</sup> (2004) note that ethnographic and anthropological definitions and descriptions of Indigenous histories and cultures, mostly by non-Indigenous authors, defined ‘Aboriginal peoples’ and their homelands as existing parallel to Canada. The collective names that were decided upon by non-Indigenous administrators and researchers were perpetuated in government reports. These documents therefore reflect the names, descriptions and lands recorded at the time of reporting and according to McMillan and Yellowhorn (2004) the Indigenous names were lost. McMillan and Yellowhorn (2004: 3) also note that “like all generic phrases, they invariably disguise diversity for the sake of convenience”.

‘Aboriginal’ is the legal term prescribed in the Constitution, 1982, and in the Charter (Part II, S. 35) as ‘Rights of the Aboriginal Peoples of Canada’. However, the Constitution, 1982, is an Act that includes both the Constitution of 1867, and the Constitution of 1982. As a result, legal terms in relation to ‘Indians and Indian Lands’ in the Constitution of 1867, are still in use in legal matters relating to the Indian Act, 1876 and its amendments. The Indian Act, 1876, defines who is, and who is not, ‘Indian’ and who does, and who does not, get services on reserves, as this depends on one’s status as Indian. While the Constitution Act, 1982, S.35 (2) states that “in this Act, aboriginal peoples of Canada include the *Indian*, Inuit and Métis peoples of Canada” as a collective term, the other collective term is also ‘*First Nations*’, ‘Inuit’ and ‘Métis’ (italics are my own for clarity). This particular political framing of ‘nation’ may reflect what McMillan and Yellowhorn (2004: 317) refer to as a “contest between modern times and traditional cultures”<sup>8</sup> in relation to the development of the nation state and globalization. Engle (2011) refers to a similar period in the 1970s and 1980s when Indigenous peoples were developing

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<sup>7</sup> Previous editions of McMillan’s book were published up to 1988 under the title, ‘Native Peoples and Cultures of Canada’. The new edition in 2004 was re-titled “First Peoples in Canada” (third edition) and is co-authored by Blackfoot archaeologist, Eldron Yellowhorn, who states that studying ancient times gives him context to help find explanations he seeks about the present somehow giving him hope for the future (Preface to McMillan and Yellowhorn, 2004).

<sup>8</sup> “Aboriginal People’s place in this milieu of change has fuelled a conflict that is played out in cultures, communities, families and individuals” (McMillan and Yellowhorn, 2004: 317)



pan-Indigenous and transnational organizations. This is when the Fourth World movement began “in which they identified with and distinguished themselves from the decolonized or decolonizing Third World” and saw themselves “as ‘nations’ that maintain a distinct culture but are unrecognized,” and deprived of a right to territory and its riches (Engle, 2011: 151). Today, the Government of Canada uses the term ‘Aboriginal’ to include First Nations, Inuit and Métis peoples.

I respect the Indigenous knowledge of people, land, and culture, and those who identify themselves by knowing who they are. In addition, “Aboriginal scholars bring to any subject an existential empathy that non-Aboriginal scholars cannot command” (Cairns, 2005). With this in mind, I use ‘First Nations’, ‘Aboriginal peoples’, ‘Indigenous peoples’ and ‘First Nations, Métis and Inuit’ (inclusively) throughout this dissertation with the knowledge that I am not Indigenous and have not lived Indigenous experiences.<sup>9</sup> I use the term ‘Aboriginal’ when referring to the federal and provincial administrative, organizational, political or legal contexts associated with the Canadian state. As on-reserve libraries are defined as First Nations Public Libraries in Ontario by the Ministry of Tourism, Culture and Sport, I use the term First Nations in this dissertation in relation to on-reserve libraries. I use Six Nations of the Grand River because they are Haudenosaunee of the Grand River territory and this collective name was used by many of the Indigenous and Six Nations of the Grand River authors. To ensure that the original meaning of the texts reviewed in this dissertation is not lost, I have not changed the original texts in quoted material.

I use the term ‘Indigenous’ when referring to the collective efforts of Canada’s Indigenous peoples especially related to the UNDRIP. In addition, scholarly ethical standards subscribe to the use of the term ‘Indigenous peoples’ (CIHR, NSERC, SSHRC, 2010), which also confirms a legitimacy in using this term ethically in the dissertation. The historical treaties that define the relationship with the Canadian state and non-Indigenous, settler, or Canadians, are reflected in Indigenous, individual and collective lives, social realities and context-specific communities (Vowel, 2016; Roy, 2016). Indigenous communities and their public and community libraries are embedded within this complex

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<sup>9</sup> Cairns, 2005 makes the point that occasionally it is suggested that true knowledge/understanding of Aboriginal issues is unavailable to outsiders lacking lived experience.

political, social, economic, technological and cultural naming context.

The terms ‘Aboriginal’, ‘First Nations’ or ‘Indigenous’ public libraries or public community libraries were commonly used in public library reports and the scholarly literature pertaining to Indigenous peoples in Canada and their designated nations’ community libraries. Indigenous or Aboriginal public library groups and committees advocating for national Indigenous library issues use the collective term, Indigenous or Aboriginal (O’Neil, 2016; Burnham, 2017). In Ontario, First Nations ‘public libraries’ are a mix of public and community libraries and often named for their nation, for example, the Six Nations Public Library. Some First Nations libraries are located in community halls or offices, or cultural centres, while others are located in schools. SNPL however, is centrally located in Ohsweken in its own dedicated building. I also use the term ‘public library’ because the case study is defined as a public library through its name, Six Nations Public Library (Saunders, 2012). In addition, ‘public’ libraries are recognized by the Ontario Ministry of Tourism, Culture and Sport in their interpretation of the Ontario Public Library Act, 1990, and is therefore also used in their statistics (Ontario, 2016). In this dissertation, I use the term ‘Indigenous public libraries’ to describe public or community libraries in Canada and Ontario recognizing that there are unique differences between each of the Indigenous communities throughout Canada with their own life ways and Indigenous knowledges. Some First Nations libraries in Ontario do not necessarily use the word ‘public library’ in their titles and are therefore both ‘public’ and community libraries.

The term ‘reserve’ refers to the reserve system, which was first introduced in Canada in 1637. In 1828 this system was outlined in the Darling report as a “policy based on establishing Indians in fixed locations where they could be educated, converted to Christianity and transformed into farmers” (Giokas, 1995: 19). I recognize that this term represents the historical injustice perpetrated on Indigenous peoples in Canada and that it has continued to be a way of identifying nations in their much-reduced and open traditional territories. In this dissertation I use the terms ‘on-reserve’ and ‘off-reserve’ to differentiate between Indigenous libraries located on-reserve and non-Indigenous libraries located off-reserve<sup>10</sup>.

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<sup>10</sup> This differentiation is significant in terms of how public libraries – goods and services - are funded for example.

## 1.7. Overview of Chapters

Chapter 1 introduces the central argument of the dissertation, which is to understand the role of rights in Indigenous public library development. The positioning of the research question is then discussed through an ethical space of engagement as a way of understanding two distinct public libraries – Indigenous and non-Indigenous. Ermine's (2007) ethical space is used to engage the complexity of ethics involved in the development of Indigenous and non-Indigenous public libraries. In engaging with this complexity, the ideal of the public library within the context of Canadian public library history and the contrasting institutions and rights – Indigenous and Canadian - and freedoms and obligations inherent to these institutions can be discussed. The Six Nations Public Library is introduced through an overview of the history of Six Nations of the Grand River and the historical treaties and unique Crown relationship. These relationships reflect the contemporary politics and culture of Six Nations of the Grand River. Naming and terminology are also discussed in this Chapter.

Chapter 2 reviews the literature on access to information, public libraries and rights-based literature relevant to both Indigenous and non-Indigenous public libraries. A broader definition of access to information that extends to the physical, intellectual and socio-cultural aspects of access to include rights is articulated. These rights provide the foundation for discussing social justice and the equality and inequalities of resources (or goods and services) affecting basic human, social, economic and cultural needs. A discussion of the UDHR, UNDRIP, ICCPR, ICESCR and Aboriginal and Treaty Rights are also included in this chapter. Through the lens of distributive justice in Canada, the fundamental rights of the Canadian Constitution, 1982 and Charter (section 15, 25, 35) are articulated as obligations that affect well-being, service delivery and cultural rights in relation to access to information at Indigenous public libraries. Moreover, the literature review identifies a gap in public library discourse on rights, justice and equality, in which Indigenous public libraries are under-represented and under-theorized.

In Chapter 3, the theoretical framework is developed using Amartya Sen's capability approach (1997, 2009) that was expanded by Polly Vizard (2006). I use this to develop my own adapted framework to understand the capabilities approach and the public

library as a social and cultural institution embedded in the rights and obligations of the international rights regime and the Canadian Charter. This is a consequence-sensitive approach to distributive justice that considers Indigenous difference and the structures that underpin access to information at Indigenous public libraries. This perspective considers social justice and well-being in relation to Indigenous public libraries.

Chapter 4 is a discussion on the methodology and provides a justification for the use of a case study. This chapter includes an in-depth description of the research design and plan of analysis and provides details of the semi-structured interviews conducted at Six Nations Public Library and with off-reserve national and provincial library organizations and other stakeholders. Limitations to the study are also discussed in this chapter. The process of obtaining ethical approvals from Six Nations Elected Council and from Western University and the protocols involved in the study are described.

Chapter 5 presents, analyzes and discusses the research findings. Through the SNPL case study, the analysis demonstrates that while access to information is a basic right, there is inadequate support at a federal level and that provincial support is limited thus the library struggles to function optimally, which in turn negatively affects individual access to information through the library.

In Chapter 6, I evaluate my adapted capability approach framework for its utility as an assessment tool for understanding the disparities observed between Indigenous public libraries and the non-Indigenous public library. The evaluation focuses on the substantive freedoms and opportunities emphasised in the capability approach as informational functionings, information capabilities, well-being and agency. In addition, meta-rights (entitlements and human rights) and perfect and imperfect obligations are discussed to contextualize the freedoms and opportunity that enable individual and community well-being through the Six Nations Public Library. The institutional support for SNPL to function and operate is analysed through local leadership – the Haudenosaunee Hereditary Council and the Six Nations Elected Council, and federal and provincial government mandates. A conclusion is that this framework is useful in contextualizing a broader definition of access to information by drawing on the institutional realities of this particular case, the Six Nations Public Library.

Chapter 7 concludes the dissertation, highlighting the contribution this research makes to scholarship on information access and the institutions and organizations that support the informational well-being of the SNPL community. In this concluding chapter, I return to the gap in the scholarly literature identified in Chapter 2 in the public library discourse on rights, justice and equality. Through my research, I demonstrate that because there is no known work on this particular issue of Indigenous rights that support Indigenous public libraries, equality and social justice, that this is under-represented and under-theorized in LIS literature. This research is potentially significant to Indigenous communities as it helps to highlight their rights to access to information and that their public libraries are important institutions for materializing these rights. In addition to this I identify the need for further research on Indigenous public libraries as spaces that reflect Indigenous cultural and informational needs.

## CHAPTER 2: RIGHTS AND PUBLIC LIBRARIES

Aboriginal legal traditions and treaties, individual and group rights are not separate nor in conflict because individuality depends on collective heritage and identity

*(Youngblood James Sa'ke'j Henderson, 2008).*

### 2.1. Introduction

In this chapter, I discuss the two main subject areas of this thesis: Indigenous public libraries and rights. Three central issues emerge from my review of the literature relevant to these areas. First, scholarly and empirical studies on Indigenous public libraries are limited. I therefore review literature on public library development more generally to understand the role that rights play in Indigenous public libraries. I focus and reflect on contemporary Indigenous public library development through the lens of the public library ideal and the concept of access to information. A second issue is that discussions on distributive justice in relation to public libraries, a public good, are limited for both Indigenous and non-Indigenous public libraries. By drawing on discussions on distributive and structural justice and social equality I develop a rationale for Indigenous public library rights. A third issue is that there is limited discussion on Indigenous cultural rights and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which embed Indigenous public libraries in individual and collective rights. I therefore discuss Indigenous cultural rights in relation to access to information and the public library. I conclude this review by identifying a gap in the current public library discourse on rights, justice and equality in relation to Indigenous public libraries.

### 2.2. The Public Library Ideal and Indigenous Public Libraries

The public library ideal based on the public good dominates library discourse (Buschman, 2007). Edwards (2010: 11) further suggests that this ideal is symbolic of democracy and “of the individual desire to better oneself, of egalitarianism, and of an enlightened, cultured and free society” but also of “elitism, imperialism and colonialism” (ibid.) In my broader interpretation of the public library ideal, an important part of its meaning is how the public

library reflects equality, justice and fairness, inclusive of Indigenous peoples and their Indigenous knowledges and rights that reflect their informational needs, library users, and communities. As Patterson (in Edwards, 2005: 164) claimed over a decade ago, “there is a misconception by bureaucrats that ‘Indians don’t want libraries.’ On the contrary, people know what they want, and they do want libraries”. This interest by Indigenous communities in the value of library services was also clearly stated in the strategic plan, ‘Our Way Forward’ compiled by the Ontario First Nations Public Library Strategic Plan Liaison Committee (OFNPLSPLC, 2004). The plan states that First Nations public libraries are important to communities and are especially relevant for recognizing their unique cultural needs as they:

...provide an essential service to First Nations communities. Our Chiefs and Councils lead our communities in recognizing and supporting our public libraries as vital contributors to growth and change. With current and culturally relevant collections and services, First Nations public libraries welcome community members and support their needs for access to information, personal empowerment and self-affirmation. In partnership with other community programs, our public libraries contribute to our social and economic well-being by nurturing our spirits, preserving our traditions, cultures and languages, and encouraging lifelong learning and literacy (OFNPLSPLC, 2004: 7).

In a recent press release in 2013 in Canada from the National Reading Campaign, Indigenous librarians and others interested in Indigenous libraries called on the federal government not to forget public community libraries (NRC, 2013). Their statement emphasises the essential services public libraries provide to Indigenous communities in the country yet there is a persistent lack of access to information for Indigenous peoples (NRC, 2013). This highlights the need to address the uneven development of libraries that affect Indigenous library users disproportionately in Canada (Burnham, 2017; DeYoung, 2014). As Demers et al. (2014: 127) state, “the denial of library services ... contravenes every principle of advancement and understanding that libraries enshrine”.

I argue that the public library ideal is transnational and as McKenna (2011) notes information itself is not a new economic or social resource but rather that it is the process of obtaining information that is new, suggesting globalization as a reason for greater access. I therefore argue that by interpreting this ideal through a deeper set of library values inherent in the concept of access to information, that this provides a way of re-interpreting this ideal. In my conception the democratic and humanistic ideal of the public library

reflects equality, justice and fairness but also embeds contemporary public libraries in the physical, intellectual and socio-cultural aspects of information infrastructure, not only reflecting newer access but also newer philosophies. I argue that this includes Indigenous public libraries and their positioning in this ideal.

Studies on access to information indicate that this concept is not clearly articulated in LIS literature and is generally under-theorized (Mathiesen, 2014a; Petrie, 2017). However, Grover, et al. (2015: 2) describe access to information through their definition of information infrastructure as “a network of people, organizations, agencies, policies, legislation, processes and technologies organized in a loosely coordinated system to enhance the creation, production, dissemination, organization, diffusion, storage, retrieval and preservation of information and knowledge for people”. Access to information in this definition develops the notion of the inter-relationship of both the physical and the human side of information access and the inter-connectivity and interdependence on each other – the visible and the invisible of information access. Star (1999) and Borgman (2003) first introduced the concept of ‘informational infrastructure’ in relation to the public library with their focus on infrastructure in relation to location, conditions, technologies, or abilities of access. Their interest was on the growing invisible aspects of access to information.

The more recent relational definition by Grover, et al. (2015) is similar to the physical, intellectual and social aspects defined by Thompson, et al. (2014) who identify three inter-related aspects of access and claim the name of the concept ‘access to information’. They focus on the physicality (its physical aspect) to deliver an information service, the intellectual skills (its intellectual aspect) needed for accessing the information, and the social value (its social aspect) the service offered to an individual or a community. The physical aspect describes the effective functional structures for supporting storage and retrieval for enabling access to information for individuals, communities and society. The intellectual aspect includes the necessary cognitive, language and other digital skills required to access the information. The social aspect describes information developed and managed for further use in a community, giving it a social value for both an individual and the community (Thompson, et al., 2014; Burnett et al., 2008; Johnson, 2010). I find Thompson and Afzal’s (2011) added cultural dimension to the social aspect of access to information - the socio-cultural aspect - particularly useful in my interpretation of public



library value. In this socio-cultural aspect, it is the interpersonal relationships that affect access to information in social groups in culture and society. By considering this socio-cultural aspect in the context of physical and intellectual aspects of access to information, issues of equality, justice and fairness in relation to Indigenous public libraries begins to centre on historical injustice. In Canada, legislation (the Indian Act, 1876 amended, the Canadian Constitution Act and the Canadian Charter of Rights and Freedoms, 1982 and the Canadian Human Rights Act, 1985) helps us understand these injustices. In addition to this, the organizational structure and description of federal organizations in their mandates play out in policies that in general either exacerbate injustices or fail to address social and economic service delivery adequately (Borrows, 2016). An example is Indigenous and Northern Affairs Canada (INAC), which at the time of the research had the federal mandate for Indigenous service delivery. While the new name for INAC is Indigenous Services and Indigenous Crown Relations, this service mandate is still evident. My discussion now turns to the contemporary role of public libraries to understand the issues that reflect equality, justice and fairness and to identify Indigenous public libraries in this discussion.

### **2.3. The Contemporary Role of Public Libraries in Society**

Public libraries, like other contemporary public, social and cultural institutions (including public galleries, museums and archives), are transforming their technical operations and content to deliver high quality information and communication services to the public (Becker, et al., 2010, 2011; Jochumsen, et al., 2012; Demers, et al., 2014; Birdsall, 2005; Carter and Orange, 2014). As a result, there has been a trend in public library studies to measure the value of public libraries in economic terms through impact assessments of intrinsic and extrinsic public library indicators that coincide with increased online access (MPI, 2013). Yet as McMenemy (2014: 74) notes, there are limited interpretations of the marketization of public services or of maximizing economic impact in public library discourse within the context of a neoliberal economy. He concludes that libraries are caught in a tension between maximizing beneficial (and free) services and the profit-driven market economy. Smeltzer (2001) provides some ideas on how public libraries in Canada have been affected by the neoliberalist economic paradigm and refers to the dismantling of the

welfare state and globalization as possible reasons for libraries corporatizing, privatizing and partnering their services. Irwin (2012: 11) also refers to the neoliberal economic paradigm, stating that “the political has been dominated by neoliberal fiscal practice, the sense of institutional agency seems not to have community well-being as a primary concern.” He concludes that library management has moved away from being reflective to being more reactive; where new measures for efficiency are no longer about service-quality impacts, and where democratic, community-based evaluations are no longer the focus. An additional perspective provided by Haycock (2016) is that the public library service portfolio is being challenged by other public or private organizations who are duplicating traditional library services or offering a more efficient service delivery and raises questions about public library marketing, staff attitudes, and management. In support of Irwin’s (2012) and Haycock’s (2016) findings, many scholars note the importance of community-based services and the critical role of public libraries in alleviating poverty and supporting individual and community well-being through access to both printed and digital information resources (Thompson, et al., 2014; Barja and Gigler, 2007; Woodward, 2013). These public service transformations affect the experience at the library for individuals and communities and the overall value of the library. In the 21<sup>st</sup> century, the Internet has become a central feature of library services and their associated value. This discussion now turns to the question of connectivity and the public library.

### **2.3.1. Connecting the Public Library**

In addition to public service changes in a neoliberal economy, scholars also report on the role of the Internet, or connectivity, in facilitating fuller participation in society (Birdsall, 2011; Bertot, et al., 2011; Jaeger, et al., 2015; Halpin, et al., 2015). Connectivity is also recognized as playing a central role in delivering a suite of library services to the public to alleviate information poverty (Gurstein, 2012; Becker, et al., 2010; Jochumsen, et al, 2012; Newman, 2011; Mandel, et al., 2010). Innovation, Science and Economic Development Canada (previously Industry Canada) has recognized the role of connectivity and reports that a knowledge-based economy is important to improved productivity and

competitiveness that promotes improved standards of living and quality of life for all Canadians, which is premised on access to information (Canada, 2014).

Studies on Internet access and connectivity reflect access to information as a social justice issue. For example, Gurstein (2012) focuses on the value of being connected to the Internet, where connectivity is empowering and enabling for marginalized and disenfranchised populations and communities. He uses the term 'effective use' as "the capacity and opportunity to successfully integrate ICTs into the accomplishment of self- or collaboratively-identified goals" (Gurstein (2012:16). He argues that connectivity supports local economic development through local control of information such as cultural material production and distribution. Social justice and political involvement are also made possible through connectivity, as is access to education and health, which supports these as fundamental human rights. Likewise, Jaeger, et al. (2015) note that access to information is enabled by digital technology that engages library users to pursue educational opportunities, employment, social interaction and civic participation supporting human rights and social justice.

Access to information for Indigenous communities is the subject of Indigenous scholarly and community interest. As Newhouse and Heiber (2009) note, the role of cultural expression for Indigenous peoples and their digital inclusivity is also one of digital expression, broadband connectivity and opportunities. McMahon (2014: 2002) positions this inclusivity as one where "Indigenous peoples are interacting with the emergent infrastructures of the network society in diverse ways that are linked to the colonialism/self-determination dialectic" that unfolds in the bridging of the digital divide. While it can be argued that this divide is being bridged through increasing connectivity, the larger societal, political, economic, cultural and technological environment has a strong influence on how equality in access to information is discussed (Stevenson, 2009; Mansell, 2002; Whiteduck, et al., 2012; McMahon, 2011; Jaeger, et al., 2012). Lynch (2017:8) offers the perspective that although "First Nations societies in North America have relied on the oral transmissions of stories, histories, lessons and other knowledge to preserve traditions, cultures and identities... the oral tradition has been disappearing for years". However, books and digital content are not readily accessible or indeed always affordable for First Nations (Lynch, 2017). It is here that Indigenous public libraries present an opportunity to

collect, store, disseminate, and provide a gathering place for history groups, storytelling, and creating and managing access to information in many different media that can work towards equality, fairness and justice.

Reflecting on connectivity and the public library, McKenna (2011) introduces the notion of the capability to access information in a manner that is equal and that the right to information is a human right (McKenna, 2011). The 2011 UN's Human Rights Council (HRC) report on the promotion and protection of the right to Freedom of Opinion and Expression examined "key trends and challenges to the right of all individuals to seek, receive and impart information and ideas of all kinds through the Internet" (UNGASS, 2011: 1). The Special Rapporteur, Frank LaRue (UNGASS, 2011: 1), considers this an enabling right now and into the future, and states that:

...the unique and transformative nature of the Internet [is] not only to enable individuals to exercise their right to freedom of opinion and expression, but also a range of other human rights, and to promote the progress of society as a whole.

LaRue's (UNGASS, 2011) report to the HRC emphasizes rights to access to the Internet combined with access to online content, infrastructure and ICTs, which supports a broader, contemporary concept of the public library. The Internet has therefore added a new dimension to freedom of expression in corollary rights that enable economic, social, cultural rights and for civil and political rights. The discussion now focuses on the main institutions in society and how they affect public library development within the contemporary contexts of justice and equality.

#### **2.4. Distributive Justice, Structural Justice, Social Equality and Public Libraries**

Distributive justice, structural justice, and social equality provide a perspective on the institutions that organize society – law and social institutions - that affect access to information at both Indigenous and non-Indigenous public libraries. A number of theories of justice address the concepts of injustice and justice (Rawls, 1993; Craig and Burchardt, 2008; Sen, 2009; Wolff, 2008; Robeyns, 2008). These aspects and key theories of justice and equality are addressed in the following discussion. The emphasis is on Indigenous peoples in Canada as this social dimension is central to understanding the links between

rights and access to information for Indigenous public libraries users and community supporters.

### **2.4.1. Distributive Justice**

Distributive justice is concerned with the way in which primary goods are allocated in society. The way in which this is done has consequences for social outcomes, and therefore distributive justice is concerned with questions of equality. In political philosophy, Amartya Sen (1999) and John Rawls (1971) have two differing perspectives on the role that institutions<sup>11</sup> play in distributive justice. Sen (1999: 142) notes that individuals live and operate in a world of institutions, and that opportunities and prospects depend on what institutions exist and how they function. These institutions contribute to our freedoms and therefore their role can be evaluated with reference to these freedoms. Sen's capability approach to justice is a particular currency of justice that focuses on quality of life and "people's capability to lead the kind of life they have reason to value or the things that they can do or be" (Sen, 2017: 356).

In contrast to Sen's individually-oriented capability approach, Rawls (1971: 54) conceptualizes the basic structure of society as the arrangement of major social institutions into one scheme of cooperation. From this perspective, Rawls defines the principle of social justice as justice as fairness. In his justice as fairness theory, the focus is on the equality of primary goods. These primary goods are described as rights and liberties, opportunities and powers, income and wealth, and the basis of self-respect as a liberal philosophy (Rawls, 1971; 2001). For Rawls (1971), formal institutions embed rights and theories of justice in their mandates and policies. In this framework, the focus is on the provision and availability of primary goods to society through social institutions in a way that is fair to all, whereas Sen's focus is on how the individual is able to use those goods.

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<sup>11</sup> The term 'social institutions' is not clear according to the Stanford Encyclopedia of Philosophy. It is used in this dissertation to describe complex social forms that are organized stable patterns of human activity as they reproduce themselves. This can include positions, roles, norms and values within social structures. Examples are political, economic and legal institutions, their office-bearers and their practices such as schools, post offices and, I argue, the public library (adapted from the Stanford Encyclopedia of Philosophy: social institutions).

Furthermore, for Sen (2009) these fundamental social institutions must be justice enhancing in how they affect individual or collective substantive freedoms. While recognizing the good in public provisioning, Sen's position is particularly sensitive to the interpersonal differences between individuals. Thus, while Rawls' focus is on institutions as a social arrangement for social justice, Sen expands on this to include the social context, which affects people's lives and incorporates the notion that particular social realities are paramount in discussions on access to information and rights. In this reasoning, the existence of an institution, for example law with its legislation, does not guarantee equality of access to the public library for example, because the ability to use that institution is dependent on a variety of contextual variables (Sen, 2009). This reasoning extends to the case of Indigenous public libraries, where the institutional arrangements of the Canadian state result in poor levels of both service provision and access by Indigenous communities, both as a collective and individual experience, which is discussed in this dissertation.

Although Sen and Rawls have their differences, both are concerned with justice. Indeed, if society is arranged according to the principle of 'justice as fairness' (Rawls), perhaps then all people would be able to live the lives they value (Sen). However, in the case of public libraries in Canada, the principle of justice as fairness does not prevail equally across Indigenous and non-Indigenous communities, which also means that poor levels of informational service provision to Indigenous communities interferes with the capability of individuals to live the lives they value. Sen's capability approach and its focus on lived experience is therefore useful in this dissertation. In contrast, Rawls' justice as fairness cannot be achieved for Indigenous communities because the distribution of primary goods is not equal between Indigenous and non-Indigenous peoples in Canadian society especially in the context of the Indian Act, 1876. The application of Sen's capability approach to this dissertation is elaborated further in Chapters 3 and 6.

Turning to the LIS scholarship, McMenemy (2014: 73) suggests a re-orientation of political philosophy for libraries from utilitarianism to one that includes citizens' rights. Utilitarianism aggregates metrics without considering deeper interpersonal capabilities that reflects human diversity, well-being or specific social contexts as recognised by Sen's capability approach (Sen, 1997, 1999, 2009). McMenemy (2014) argues for positive rights for public library services because these services are vital for citizen participation in

society, suggesting that the State maximize these benefits. As a model for repositioning the public library in political philosophy, McMenemy (2014) therefore suggests consequence-sensitive utilitarianism, which focuses on the positive rights of citizens. This consequence-sensitive utilitarianism aggregates library values, in this case the value of citizens, but with the benefit of state-supported and positive rights (which is the consequence-sensitive element of utilitarianism). Consequence-sensitive utilitarianism is useful for interpreting the public library through the concept of access to information.

Similar to McMenemy (2014), Dadlani (2016) applies a liberal definition of distributive and egalitarian concepts of social justice to the public library context, establishing them as key drivers for information service development. Both distributive justice and egalitarianism are evident in mission, goal and objective statements focusing on specific topics, including access, equality, equity, and utility (Dadlani, 2016: 16). However, this has not been widely analysed by the LIS community and there is no well-established set of alternative perspectives to the dominant theory of justice (OLA, 1998; Jaeger et al., 2013; Jaeger and Sarin, 2016; Widdersheim, 2015; Wiegand, 2015). I therefore conclude that the political context of public libraries plays a key role in the distribution of justice.

The Constitution Act of Canada, 1982, underpins the constitutional law that legitimizes the just distribution of power through constitutional rules in pursuit of the public good (Macklem, 2007). It is in the power and actions of legal actors and guardians of the Constitution that the material circumstances of individuals, groups and peoples are held. Thus, this constitutional and legal rights-based context supports, or fails to support, the just and clear distribution of Aboriginal and treaty rights (Dickson, 2015). However, “a myriad of factors – economic, social, political, and legal – affects the ability of a legal actor to translate formal constitutional authority into material reality” (Macklem, 2007: 21).

One of these factors is how benefits and burdens are distributed, which is reflected in the type of distributive justice that is embedded in a particular political philosophy. If the distributive justice is one of equality, for example, then equality in terms of how the benefits and burdens are distributed reflects equality as a moral principle. Equality, however, is defined as ‘descriptive’ or ‘prescriptive’. Descriptively, equality is “the relationship that exists between two things measured by a common standard and found to be indistinguishable by reference to that standard” (Macklem, 2007:29). Prescriptive

equality (i.e. prescribed in law) “refers to a relation that ought to exist between two classes of people that are similar or different in relevant respects” (ibid.). In this latter definition, equal distributive outcomes reflect both similarities and differences “that exist among people but does not specify which similarities or differences might be relevant to the justice of any given distribution” (ibid.).

The Canadian Charter of Rights and Freedoms is an important mechanism through which fundamental entitlements are distributed constitutionally through federal and provincial and territorial legislation. The Charter describes well-being, the federal-provincial relationship, equality of opportunities, reduction of disparities, provision of public services, and contains an implementation clause that ensures that the provincial governments have revenues to provide public services as a commitment of Parliament and the Government of Canada (CCRF, 1982). As Gover (2016: 286) states, Section 35 of the Canadian Charter acknowledges that the “special Indigenous rights provision operates alongside the constitutional bill of rights” and that these laws are not created and conferred, but rather they are recognized and affirmed, implying that that they are supported by other rights.

Constitutional reforms in the Constitution of Canada Act, 1982 and the Charter of Rights and Freedoms recognized that “Aboriginal cultural difference is a constitutionally relevant difference between non-Aboriginal and Aboriginal people” (Macklem, 2007:72). This specific cultural difference, an Aboriginal cultural difference, has been recognized as the exclusive legislative authority of the Parliament of Canada that extends to ‘Indians, and Lands reserved for the Indians’ set out in the Constitution Act, 1867, section 24 and in the Constitution Act, 1982 Part II (Rights of the Aboriginal Peoples of Canada) (Macklem, 2007). Federal legislative authority implies that the provinces cannot enact laws that are related to Parliament’s exclusive legislative authority because Aboriginal peoples have a unique constitutional relationship with the Canadian state. This distributive power of Parliament is also a Charter right (CCRF, article 25)<sup>12</sup> and in the Constitution Act, 1982

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<sup>12</sup> Charter of Rights and Freedoms, Article 25: Guarantee in this Charter of certain rights and freedoms shall not be construed to abrogate or derogate from any Aboriginal, treaty or other rights or freedoms that pertain to the Aboriginal peoples of Canada.



(35)(1).<sup>13</sup> This provides support for Indigenous difference interpreted through Indigenous negative and positive rights through articles 1, 15, 25 and 35, which lies in the interpretation of Aboriginal and Treaty Rights<sup>14</sup> (Macklem, 2007; Macklem and Sanderson, 2016).

Another factor that affects distributive justice in terms of access to information in Canada is Canada's adoption of international laws. The International Bill of Rights was a catalyst for all significant dimensions of "a society's basic institutional structure" (Beitz, 2001: 271). This Bill includes the Universal Declaration of Human Rights adopted in 1948 and the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) both adopted in 1976 (UNGASS, 1948, 1976, 1976b). By 1976, the ICESCR included 'peoples' in Article 1, and paved the way for a broader interpretation of individual rights and collective rights playing a role in the development of the UNDRIP (UNGASS, 1976; Henderson, 2008).

In Canada, the ICCPR was acceded in 1976, making this a legal and negative obligation. The ICESCR was ratified in 1976, but not acceded by Canada and therefore, although it was approved, this treaty does not have full consent of Parliament. This economic, social and cultural convention right relates to both tangible and intangible goods, which are part of the social contract (between government and the people). Canada is therefore legally bound under international law to provide<sup>15</sup> political, civil, social, economic and cultural support as a signatory to the ICCPR and the ICESCR. Canada reports to the United Nations Human Rights Office of the High Commissioner and implements international human rights through a variety of laws, policies and programs at several levels of government (United Nations, 2009; Canada, 2017; United Nations, 2014). However, in a human rights report to the UN General Assembly on the social, economic and cultural rights of Indigenous peoples, Anaya (UNGASS, 2014) has explicitly stated that Canada has

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<sup>13</sup> Constitution Act, 1982 35 (1): Existing Aboriginal and treaty rights of Aboriginal peoples of Canada hereby recognized and affirmed.

<sup>14</sup> Section 88 of the Indian Act describes the legal right of 'General Provincial Laws Applicable to Indians' as "Subject to the terms of any treaty and any other Act of Parliament, all laws of general application from time to time in force in any province are applicable to and in respect of Indians in the province, except to the extent that those laws are inconsistent with this Act or the First Nations Fiscal Management Act, or with any order, rule, regulation or law of a band made under those Acts, and except to the extent that those provincial laws make provision for any matter for which provision is made by or under those Acts.

<sup>15</sup> The ICCPR and the ICESCR are convention rights and 'legal human rights'. They are derived from a particular social and historical context of basic rights to fulfill other basic human rights, such as civil, political, cultural, social or economic rights (Tomalty, 2017).

a well-developed policy framework but that the well-being gap between Aboriginal and non-Aboriginal peoples is not getting any narrower<sup>16</sup>.

Thus, while the UDHR is defined as a declaration of fundamental and inalienable human rights that all Governments should respect, and that the ICCPR and the ICESCR whose rights are legally binding on Canada reflect both freedom of expression and the right to take part in cultural life, “as a general practice, Canada does not incorporate the full text of treaties into its domestic law” (UNGASS, 2009: 4). Instead, the Canadian Human Rights Act (CHRA), 1985, extends human rights laws in Canada, outlining what is a discriminatory practice in the provision of goods, services, facilities or accommodation customarily available to the general public<sup>17</sup>. The CHRA, 1985, ensures that individuals have an equal opportunity to have their human rights accommodated legally and without discrimination. In 2013, Canada also confirmed that many of the rights contained in the ICCPR are constitutionally protected by the CCRF, which applies to all levels of government (Canada, 2013b:3). There can therefore be no discrimination in goods and services such as those experienced at Indigenous public libraries. My case study of the Six Nations Public Library explores this issue in more detail.

In discussions on the Canadian Constitution, 1982 and section 35, “the existing aboriginal and treaty rights of the aboriginal peoples of Canada” (Constitution Act, 1982) was recognized and affirmed. This reform recognized that the constitutional relationship between Aboriginal peoples and Canadian sovereignty required reconciliation. Issues of prior occupancy of North America by Indigenous peoples, legal and political authority and recognition of ancestral territory, recognition of traditional oral records and Crown sovereignty of Canadian territory continue to be contentious. Like recognition, reconciliation also has many interpretations. In reconciliation, the judiciary applies a set of principles to entrench Aboriginal and treaty rights to give meaning to recognition

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<sup>16</sup> Canada however states that they are proactive in protecting human rights. In a recent submission to the international Human Rights Committee, the Government of Canada stated that they invited over 200 non-governmental organizations “to give their views on the issues to be covered in the federal portion of the report” yet few responses were received (Canada, 2013a: 2). Canada is currently reviewing mechanisms and procedures for Article 2 on equal rights and effective remedies which includes opportunities for consultation with civil society and Aboriginal organizations (Canada, 2013a).

<sup>17</sup> (a) to deny, or to deny access to, any such good, service, facility or accommodation to any individual, or (b) to differentiate adversely in relation to any individual, on a prohibited ground of discrimination (Canada, 1985).

(Macklem and Sanderson, 2016). Turner (2016) relates the issue of just-ness in society with individual and political rights and the nature of fundamentally different approaches to politics between the Canadian state and Aboriginal peoples. Federal policies on political distinctiveness and assimilation; equality and freedom of individuals and the nation-to-nation relationship; and the non-negotiable sovereignty of the state, which in essence is a liberal theory of justice, does not take full recognition of Indigenous perspectives based on Indigenous knowledges (Turner, 2016).

Discussions on reconciliation, recognition and Indigenous difference, and the Indigenous diplomacy movement, which contributed to the adoption of the UNDRIP in Canada in 2016, play an important part in justice in society (Henderson, 2008; Favel and Coates, 2016; Macklem and Sanderson, 2016). The Truth and Reconciliation Commission Canada (TRCC) Calls to Action (TRCC, 2016) is also part of the effort to address systemic structural inequalities in institutional arrangements (Cairns, 2005; Taylor, 1992; Macklem and Sanderson, 2016). The imperative of reconciliation is evident in the following TRCC (2016: 182) statement:

It is necessary not only to resolve the ongoing conflicts between Aboriginal peoples and institutions of the country, but also in order for Canada to remove a stain from its past and be able to maintain its claim to be a leader in the protection of human rights among the nations of the world. Canada's historical development, as well as the view held strongly by some that the history of that development is accurate and beneficent, raises significant barriers to reconciliation in the twenty-first century.

Reconciliation is at the heart of distributional justice in the context of Canada and is the focus of this dissertation on Indigenous public libraries. The need for institutional change is recognized by the Canadian intellectual John Saul (2014: 157), who reflects on the social and political structures of the Canadian state that were invented with imagination and purpose and that “they can be strengthened only if they are reformed with a constant reimagining of the public good from an ethical point of view”, including the perspectives of Indigenous peoples.

### 2.4.2. Structural Justice

Structural justice refers broadly to the social outcomes in society that result from the particular arrangement of institutions. Where institutional arrangements (structures) are such that they prevent equality in society, a situation of injustice exists and can be considered to violate Rawls' (1971) principle of justice as fairness and Sen's (2009) call for justice enhancing institutions. In particular, structural justice is concerned with questions of how resources in society are allocated, and whether or not individuals and groups in society believe they are deserving of what they have access to (Sabbagh, et al., 1994: 244). When society views one group as different to another, this can result in institutional arrangements that prejudice certain communities in society (Sabbagh, et al., 1994; Macklem, 2007; Young, 2008). Within the context of this review, I focus on the question of position of difference in relation to Indigenous peoples as this is crucial to the discussion of structural justice in the Canadian context of access to information and the public library.

According to Young (2008), the structural construct of a position of difference includes the politic of positional difference and the politic of cultural difference. The duality of these politics poses a challenge to political equality. Both politics recognize the social significance of group difference where everyone is not treated the same way (Young, 2008: 79). For example, literature on the digital divide shows that some groups have access to information, while others do not (Hudson, 2012). Young (2008: 79) notes that "public and civic institutions may be either morally required or permitted to notice social group difference, and to treat members of different groups differently for the sake of promoting equality<sup>18</sup> or freedom" (ibid.). A politic of positional difference requires equality and inclusion - that is, the promotion of justice and equality based on non-discrimination and where the same principles of evaluation regarding the distribution of social equalities disregard social background or position (Walster, et al., 1973; Sabbagh, et al., 1994). In other words, in promoting equality and equal treatment, material and immaterial differences are ignored even though these have disadvantaged historically excluded groups. Also, in

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<sup>18</sup> In contrast, political equality is described as a social and political sameness that ignores group differences in public policy and how individuals are treated (Young, 2008; Olsen, 2011).

this liberal, individual-oriented paradigm, social justice ignores gender, racial and sexual differences because everyone is treated equally (Young, 2008). While a politic of positional difference highlights the depth and systemic basis for inequality, it also shows that “inequality before the law is not a sufficient remedy (Young, 2008: 93). It calls attention to relations and processes of exploitation, marginalization and normalization that keep many people in subordinate positions” (ibid.).

In a politic of cultural difference, the relational concept of self-determination and sovereignty and the value of cultural distinctiveness can ensure that “cultural difference is compatible with or even required of just institutions” (Young, 2008: 78). Vision and principle are offered “to respond to dominant nationalist or other forms of absolutist impulses” (Young, 2008: 93) to live together in common political institutions, while maintaining institutions that distinguish peoples of culture with distinct practices and traditions (ibid.). In Canada, cultural difference is not considered “a relevant difference among citizens for the purpose of distributing constitutional rights” (Macklem, 2007: 29). Yet in the context of Indigenous peoples, cultural difference is viewed as a ‘relevant difference’. For example, as Gover (2016: 286) states, the positional cultural difference of section 35 of the Charter in Canada acknowledges that “special Indigenous rights provisions operate alongside the constitutional bill of rights.”. Macklem’s (2007:12) work on Indigenous difference and the constitution of Canada notes that “Indigenous difference furthers equality”, basing this on section 35(1) of the Canadian Charter where Aboriginal people possess unique constitutional status in Canadian law.

### **2.4.3. Social Equality**

In addition to distributive and structural justice, a further justice is identified as social equality. Social equality is described as equal access to both material and non-material resources, supports, provisions and opportunities. Material and immaterial social equalities are valuable, desirable (for the information they provide) and consequential to life. Unequal access therefore fosters asymmetrical distributions of social equalities perpetuated across the economy and state (or sites) but also across economic, social, political and indeed cultural spheres for example. Similarly, Mathiesen (2015: 199) focuses on these spheres

through the concept of informational justice “for persons and communities in their activities as seekers, sources, and subjects of information”. Since public libraries are social institutions that embody the material<sup>19</sup> and the immaterial, the tangible and the intangible, this embodiment also describes a comprehensive value of public libraries. As a valuable public informational service that provides and support opportunities, this value is threatened when libraries are compromised (Halpin, et al, 2013; Jaeger, et al, 2011). For example, in Canada equalities and inequalities occur because of differences in Internet access at public libraries (MPI, 2013; Demers, et al., 2014). Social inequality occurs between Indigenous and non-Indigenous public libraries when there is lack of resources or support for individuals, communities and the opportunities and choices they offer (Burnham, 2017; Demers et al., 2014; DeYoung, 2014).

To this end, my goal is to demonstrate the rights that pertain to Indigenous public libraries through the concept of access to information. The discussion now draws on the preceding arguments on distributional and structural justice and social equality in relation to rights and public libraries.

## **2.5. A Perspective on Rights in Relation to Public Libraries**

Rights are described through a complexity of their latitude, depth, scope, weight, and integrity to other rights. They are also expressed through their obligations. From my review of rights in support of the physical, intellectual and socio-cultural aspects of access to information, how rights are described and expressed in relation to the public library gives weight to my argument for a broader interpretation of the public library ideal that includes access to information (Carmichael, et al., 2000; Olsen, 2011; McKenna, 2011). By exploring this complexity as a typology of rights, different types of obligations and a

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<sup>19</sup> Material resources, supports, provisions and opportunities are, for example, the dispersion of income and wealth, the chance of improving socio-economic position; access to services and social, cultural, socio-economic goods and resources that shape living conditions. Non-material resources, supports, provisions and opportunities are less tangible but are respect and honour; the differing capacities to benefit from rights, entitlements, social protection from exploitation, oppression, discrimination, marginalization and social exclusion. Both terms - material and immaterial - are debated as being derogatory depending on the definition of material and immaterial in cultural terms.

discussion on definitions of the individual and collective, I identify the position of Indigenous public libraries in Canada within cultural rights.

Public libraries are embedded in the complexity of the typology of three rights - human, human-legal, and legal, and their definition as entitlements.<sup>20</sup> Sen (2009: 367) suggests that a starting point for the relevance of human rights is in the “importance of freedoms underlying those rights”. As ethical demands, human rights express a human freedom. This freedom is a human condition and is directly affected by the context in which people find themselves. However, the rule of law also pervades social, economic, political and cultural lives, and Sen (2004) sees a complementarity between these two sets of rights – human and legal to support human freedoms.

Rights are also described as conditional or non-conditional and this provides a further way to understand how rights and their obligations support access to information. Conditional rights prescribe their legal mandate in law, for example, international human rights law. Unconditional rights are pre-legislative and motivated by people to realize their freedoms, for example aspirational rights such as the UDHR or the UNDRIP (Sen, 2004). Inherent in conditional and unconditional rights are general principles of inclusivity, promotion, respect, and enforcement of these rights, which are supported by institutions that distribute justice (Jørgensen, 2006). Through institutions, state obligations operationalize rights as a tripartite typology of respect, protection and fulfillment<sup>21</sup> (Drake and Jørgensen, 2006).

Decisions made in the political climate in Canada reflect the duties and obligations in relation to international law in terms of positive and negative rights, and burdens and benefits related to the Charter. However, it is in policies and policy-making that these

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<sup>20</sup> Rights are defined as entitlements that embody rules or principles stating what a person or group is entitled to do, or not to do; to have, or not (Carmichael, et al., 2000). Rights are also descriptive: They have latitude if they are inclusive and if they promote all groups. They have depth and scope depending on how coordinated these rights are with other rights so that they are effectively exercised. They also have weight in how they are respected and enforced. They are supportive of the kinds and levels of resources made available to citizens and residents to utilize their rights, including legal and social policies and other entitlements (Olsen, 2011).

<sup>21</sup> First, the State is to refrain from interfering with the enjoyment of human rights (respect which is cost-free and passive). Second, the State has an obligation to prevent violations of rights (protection, which is seen as costly and where the state is an active participant). Third, the State has to take legislative, budgetary, judicial and other measures to fulfill the realization of rights (fulfillment, which is often costly because the state is an active participant) (Drake and Jørgensen, 2006).

rights reflect their support for the lives of people as equal, just and fair<sup>22</sup>. This is dependent on the feasibility of these rights because they depend on social institutions for implementing policies (Sen, 2004).

### **2.5.1. Individual and Collective Rights**

Indigenous scholars and others have discussed the words and meaning of the Declarations and Conventions, individual, collective, cultural rights and Aboriginal and treaty rights (Roy and Hogan, 2010; Henderson, 2008; UN, 1985). Henderson (2008: 51) has reflected on the 40-year process for the development of the UNDRIP through Indigenous diplomacy in various fora with multiple stakeholders noting:

They often criticized the dialogue and the drafted principles as unrealistic or impractical. The drafts did not represent the viewpoint of human rights experts, nation-states, or Indigenous peoples; they were, instead, a unique convergence of these perspectives.

The UNDRIP therefore reflects an inter-relationship between individual and collective rights. These rights and the definition of the words have been a recurring point of clarity between parties involved in the development of Indigenous rights and more generally in Indigenous discussions (Little Bear, 2013; Battiste, 2000; Battiste and Henderson, 2000). Indigenous scholar Youngblood James Sa'ke'j Henderson (2008) states that in Aboriginal legal traditions and treaties, individual and group rights are not separate nor in conflict because individuality depends on collective heritage and identity. Taiiaki Alfred (in Gibson, 2009: 121<sup>23</sup>), notes that the distinction between the individual and the collective does not exist so there is no concern with balancing that relationship and that the difference is between individuality and individualism. Individuality is an Indigenous way of thinking about the construction of a political identity of autonomous responsibility, while

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<sup>22</sup> This is reflected in the institutionalization phase of human rights whereby governments, non-governmental organizations and inter-governmental alliances adopt human rights and suggests the domestication of society's norms and values. Unlike the UDHR, national governments accede or adopt the covenants and are obligated to respond negatively or positively when they become signatories to these treaties (such as Canada) and have the force of law.

<sup>23</sup> This is part of an interview between Gibson and Alfred (Gibson, 2009: 121).



individualism, according to Alfred, is a Euro-American way of thinking about the ideology of individual freedom (ibid.).

Alfred (2009) sees some similarity between Indigenous individuality and traditional European collectivist thinking. However, when this European collectivist thinking is related to an Indigenous way of thinking there is no “transcendence of the individual to the universalizing state” (ibid.). Providing a Haudenosaunee perspective, Monture (2014) states that the Great Law of Peace, the *Kaienerekowa*, is the social and political foundation of Haudenosaunee collective ideology of their clans and nations. It is the power of the collective goodwill of people to change society through justice, cooperation and peace in relationship with the individual. He also notes however, that conflict can arise when contrasting ideologies meet regarding the individual and the collective and refers to the *Tehontatenentsonteronhtahkwa*, or Silver Covenant Chain of Peace and Friendship, and the *Tekeni Triohatatie Kahswentha*, the Two Row Wampum, that account for, acknowledge and respect differences on the river that we travel together (Monture, 2014). In Canada, individual and collective rights also draw in the discussions on recognition and reconciliation (Macklem and Sanderson, 2016).

In contrast to these Indigenous viewpoints, Gibson (2010) describes how individuals take action and make decisions, which embed them in a collective of structures. This collective of structure is described through collaboration, service, and compromise on one’s individual freedoms in the recognition that further freedoms open up in an environment of relationships. In a broader interpretation of democracy that is suitable to Indigenous public libraries, a deeper discussion and reflection on the individual and collective is therefore necessary. This is illustrated in the following discussion on Indigenous cultural rights and the public library.

### **2.5.2. Indigenous Cultural Rights and Public Libraries**

There has been a long struggle for Indigenous cultural rights in Canada and elsewhere (Henderson, 2008). These rights in relation to the UNDRIP have implications for the development of Indigenous public libraries and access to information in Canada, especially in relation to culture. Participation in culture provides continuity with the past, reproducing

culture for the future (Macklem, 2007; Osburn, 2007). Culture also provides social options to make meaningful life decisions. In Canada, the colonization process has resulted in Aboriginal peoples experiencing persistent social, political and legal injustices. As a result of these injustices, maintaining and reproducing their distinct cultures and their legitimacy was severely restrained by Canadian government policies (Macklem, 2007).

LIS studies clearly show that the UDHR plays a role in realizing access to information at the public library and that “the human right to information is only satisfied if people have access to the full range of information necessary for them to live minimally good lives and to exercise their human rights” (Mathiesen, 2013: 74). Rights related to access to information and the public library take their primary focus from the fundamental human rights of the UDHR described in Article 19 of the UDHR – ‘freedom of opinion and expression’ (Edwards, 2010; Mathiesen, 2013). This Article has also been articulated as a lynchpin right for individual rights (Ash, 2016; Mathiesen, 2013; Jaeger, et al., 2015). Freedom of expression was conceived to be cognizant of future technologies and is used to promote rights for the freedom of expression through newer technologies such as access to the Internet (Ash, 2016; Jørgensen, 2017; Tulley, 2014). This is expressed in Article 19, which states that ‘everyone’ (or the ‘public’), has the right ‘to seek, receive and impart information and ideas through any media’ and, ‘regardless of frontiers’ (Mathiesen, 2013; Jaeger, et al., 2015).

LIS scholars agree that the UDHR terms ‘freedom of expression’ and that ‘everyone has *the*<sup>24</sup> right freely to participate in *the* cultural life of *the* community, to enjoy the arts and to share in scientific advancement and its benefits’, are cultural in nature but represent the individual rather than collective rights. In addition, through the ICCPR and the ICESR, access to information is grounded in cultural and social rights (Mathiesen, 2013; Edwards, 2010; Birdsall, 2008; Rasmussen, 2002; Samek, 2014; Phenix and de la Peña McCook, 2005; Albarillo, 2010; Eliades, 2014). For example, the ICCPR supports political and civil rights as fundamental human rights. The ICCPR includes the fundamental right of the ‘Freedom of Expression and Opinion’ for the individual freedom of information (Article 19). In this respect, the Charter (Canada, 1982) shows some compatibility with the UDHR

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<sup>24</sup> There is an ongoing debate on the use of the article, ‘the’ which denotes one culture and one community. See the discussion below on cultural rights, which addresses this issue.

with regard to the fundamental freedom of expression and opinion. Furthermore, the ICESCR is often described as a reflection of political and civil rights, that obliges states “to create an environment which enables civil society to make participative decisions, provide basic public services and infrastructure to support development” (Weber, 2013: 29). Therefore, the ICCPR (Article 19) supports the ICESCR - the ‘Right of Everyone to Take Part in Cultural Life (Article 15) as a cultural right and as both an individual and collective right for access to information at a public library (Tunncliffe, 2013; Johnson, 2016, Canada, 2014). This right is confirmed by the General Comments of the UN declarations that establish the human right to information and to the library for implementing these rights (Mathiesen, 2013; Edwards, 2010; UN, 2011; UN 2009; UDHR, 1948).

In LIS literature, Article 19 is discussed in relation to the public library and access to information because libraries are cultural institutions and a broader set of rights than ‘freedom of expression’ is necessary (Edwards and Edwards, 2010); Thompson and Afzal, 2011). In this respect, the two Articles referred to most often in the scholarly literature in relation to each other and in support of access to information through a public library are ‘freedom of expression’ (Article 19) and ‘the right to take part in cultural life’ (Article 27). Discussions on these two related rights suggest that *freedom* of expression has as its corollary the *right* ‘to take part in cultural life’ in relation to supporting access to information at a public library (italics are my own for clarity). Sen (2004) notes that freedom is privileged in a right. In this sense freedom of expression, is a fundamental ‘right’ which is protected as a political and civil right. Thus, the right to take part in cultural life, while collective in meaning, can be implemented through the public library as a social, economic and cultural right.

In Canada, the ‘Freedom of Expression’ is a quasi-constitutional Charter freedom in the Charter of Rights and Freedoms, 1982. This ‘freedom’ is the ‘freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication’. However, it is considered a ‘freedom’, not a ‘right’ in the Charter in support of the non-interference of government in this freedom to hold and express opinions (Canada, 1982). The Constitution guarantees both rights and freedoms subject only to reasonable limits prescribed by law, justified in a free and democratic society (Canada, 1982). Freedom of Expression is quasi-constitutional in that it is an obligation of

government to provide support for this freedom only if defined as such through common law (Roach and Schneiderman, 2013). The Constitution gives Canadian courts powerful remedial tools for the protection of Charter rights (Canada, 2013a: 3). Roach and Schneiderman (2013: 525) note however, that “despite its claim to be a fundamental freedom which has eclipsed other Charter rights, more work remains to be done in securing the central place that freedom of expression should occupy in the evolving Canadian constitutional landscape”. ‘Freedom of Expression’ was also described by the Supreme Court of Canada as “the value of seeking and attaining truth; the value of participation in social and political decision-making; and individual self-fulfillment and human flourishing” (Rasmussen, 2004). Ó Siochrú (2010: 50) adds that freedom of expression is not capable “in the context of today’s media and communication structures, of guaranteeing that everyone’s voice can be heard in society” because of the limits in structure and forces at play of this expression.

There is however, limited discussion among LIS scholars on Indigenous cultural rights and their effect on Indigenous public library users, and the function of the contemporary public library in Indigenous communities in relation to these rights. The UNDRIP recognizes that Indigenous peoples vary in regions, countries, in national and regional particularities, and historical and cultural considerations. While it is ironic that ideas which led to the development of human rights reflect many cultural ideas over time and includes the Haudenosaunee (Iroquois) confederacy for the idea of stable democracy, discussions on cultural diversity in the literature are limited in the concept of universality of human rights (Talbot, 2005; Moyn, 2014).

For Indigenous peoples in contemporary times, the concept of universality is embedded in cultural relativism and cultural imperialism arguments (Stamatopoulou, 2012). Talbot (2005: 39) defines cultural relativism as “the position that moral norms apply only to those whose cultures endorse them”. However, in the description of cultural imperialism other cultures are not recognized for having their own norms and values; that members of one culture cannot be judged by the same criteria as members of another culture; or that members of a culture should be free to act on the norms of their own culture. In addressing the notion of universality for Indigenous peoples, Ermine (2007: 198) notes that it will continue as an issue, “unchecked, enfolded as it is, in the subconscious of the

masses and recreated from the archives of knowledge and systems, rules and values of colonialism that in turn wills into being the intellectual, political, economic, cultural, and social systems and institutions of this country” (Canada).

Roy and Hogan (2010) and Edwards (2010) challenge the wording of the descriptions of cultural rights in relation to access to information embodied in a cultural right as expressed in the Articles in the UDHR, the ICCPR and the ICESCR. Article 27 of the UDHR is worded as the right to freely participate in the cultural life of *the* community, suggesting one community and one cultural life (Edwards, 2010). When Article 27 is read in relation to Article 15 of the ICESCR’s right to take part in cultural life, i.e. not *one* or *a* culture, this difference for how ‘culture’ is presented from an individual or collective right is significant. In contrast, a cultural interpretation of the ICESCR describes many cultures suggesting multi-cultural communities or society rather than the one culture in the community as described by the Article 27 of the UDHR. However, an additional tension is noted by Roy and Hogan (2010: 124) who state that by “insisting on individual rights to the exclusion of group rights, we participate in suppressing cultures”. This suppression is in reference to individualistic nation building, which does not recognize ethnic and cultural groups who, for historical reasons, live within the defined borders of an internationally recognized state. These groups are expected to give up parts of their cultural identity by adopting the values of the dominant or majority groups, or else to mix and create something entirely new” (ibid.) contributing to cultural suppression.

Albarillo (2010) finds a solution to this tension between individual and collective rights by suggesting that the UDHR Article 27 and Article 15 of ICESCR can be read as both individual and collective rights. The implication is that groups and individuals can freely practice and have access to their own forms of cultural expression, to preserve their distinct knowledge and language, and to transmit this knowledge intra- and inter-generationally (Albarillo, 2010). However, Roy and Hogan (2010: 114) reiterate that Article 27, “does not represent a commitment to the respect of diversity and pluralism, since it assumes somehow that cultural participation will take place in the “one culture of the ‘nation-state’” (paraphrasing Elsa Stamatopoulou, a former Chief of the UN Forum for Indigenous Issues).

Roy and Hogan (2010: 113) clarify the question of cultural rights for Indigenous peoples by suggesting that Articles 19 and 27 of the UDHR and Article 15 of the ICESCR for collective cultural rights be read in their own cultural context. Their claim of the importance of cultural context is based on the fact that the articles' "sentiments are centered on individual rights and, as such, these beliefs are not in agreement with an Indigenous worldview, which places community rights above those of the individual and protects communal ownership of cultural expressions across generations". This is central to recognizing the Indigenous voice in relationship to the function and role of the Indigenous public library in Canada and the rights that pertain to individuality and collective heritage and identity. In this regard, Raseroka (in Poppeliers, 2010: 74) makes the point that "Western libraries must find more productive approaches to working with cultural issues such as orality, Indigenous languages, and the existing cultures of information exchange", which is also relevant to off-reserve libraries in Canada since there is a large and growing urban Indigenous population in Canada (Macklem and Sanderson, 2016; Kerr and Beaujot, 2011).

Roy and Hogan (2010), Saunders (2012), and the OFNPLSPLC (2004) indicate that Indigenous public libraries consistently reference their history, traditions and culture, which then also defines their libraries. And according to Raseroka (paraphrased by Poppeliers, 2010: 74), "they must also find appropriate cultural mechanisms for aiding literacy development and a reading culture if there is to truly be an inclusive information society". In this regard, Foster and McMenemy (2012) measured enduring library values and conclude that they are not universal and not interchangeable across cultures. They also suggest that cultural differences and national laws should be considered when elucidating library values. This is in line with research outcomes by Foster and McMenemy (2012) and Shachaf (2005) who show that in Canada the ethical library statements that guide policies are more inspirational than prescriptive.

Based on a Native American library case study, Foster and McMenemy (2012) conclude that enduring values cannot be used inter-culturally. They note that Indigenous collection development policies were not accommodated in the enduring value statements. For example, policies were inclusive of copyright and accommodated 'intangibles' such as traditions and the expiration of resources. Such policies would be in violation of Indigenous

protocols where protected cultural information is described in cataloguing the resource. Community ownership of tangible cultural material was also ignored, and cultural material repatriations were not considered in the policies (Saunders, 2013; Foster and McMenemy, 2012; Callison, 2017; Cherry and Mkunda, 2015). Thus, when only individual rights are reflected in collection development policies, Indigenous knowledges and Indigenous cultural rights as described by Roy and Hogan (2010) and Henderson (2008) are excluded.

## **2.6. Conclusions**

At present, scholarship is largely silent on the relationship between rights and access to information. The public library discourse on rights, justice and equality is not well-articulated and this is particularly so in relation to Indigenous public libraries, which are under-represented and under-theorized in the literature. Therefore, in a broad conception of the public library ideal, access to information incorporates information infrastructure – physical, intellectual, socio-cultural aspects and rights – that can be articulated in support of Indigenous public libraries and so helps to address the current dearth in the literature that this chapter identifies regarding equality and justice. As an international cultural right, access to information is supported by the international community. It is also supported as an Indigenous cultural right when reviewed as part of the UNDRIP and from an Indigenous library perspective. This also addresses the gap in the literature in terms of access to information through the international rights regime.

As a fundamental freedom in Canada, and in terms of support for freedom of expression, I argue that historical Indigenous injustices are grounds for support of this freedom in policy development - social and economic - in support of Indigenous public libraries. In the obligations of the State, section 35 – Rights of Aboriginal peoples (which are Aboriginal and Treaty Rights) - is supported in the Charter (Article 15 and 25) as a positive right for social and economic development (Indigenous public libraries are a public good). This provides justification for the federal government to provide sustainable funding and capital investment in support of public libraries on reserves.

In LIS research on position of difference, the politic of cultural difference, such as Indigenous difference is not used as a framework for a broader conceptualization of

democracy in public libraries, and which would include Indigenous public libraries. Reflecting on the public library as an example of equal distributive justice is challenging because of the distinction between Aboriginal and Treaty Rights, which includes Indigenous cultural rights. For non-Indigenous public libraries in Canadian society the distribution is an equal benefit and a public good and service. Yet for Indigenous communities in comparison to non-Indigenous communities, there is an unequal distribution of this benefit and public good.

Rights and freedoms in relation to access to information at public libraries were traced through the complexity of international and domestic rights. Drawing on the Constitution Act, 1982 and its Charter of Rights and Freedoms and the Canadian Human Rights Act, 1985, I used distributive justice and domestic rights to discuss their effect on access to information for public libraries in Canada. The rights that specifically relate to public libraries were described in national and provincial public library policies, which embeds these social and cultural institutions in Canadian society.

Human rights through the Canadian Human Rights Act, 1985 rather than international human rights obligations, to which Canada is a signatory, take precedence over international human rights. The non-discriminatory clauses in the Canadian rights and freedoms are Canadian in value, while the international rights are universal in nature. This is reflected as a stalemate in the conception of universality (the UDHR, ICCPR, ICESCR) on the one hand, and the Charter and Canadian Human Rights Act, 1985 and their non-discriminatory values on the other hand. The universality principle is therefore problematic in a discussion on equality and justice. For Indigenous peoples in Canada, their limited access to the benefits of international human rights protection suggests that their civil, political, social, economic and cultural rights may be violated by the non-discriminatory clause of the CHRA, 1985. The Charter's co-evolving mechanism for the Rights of Aboriginal peoples in terms of equality and justice potentially conflicts with the services provided to Indigenous communities.

The concept of the public library ideal through a broader concept of access to information therefore draws on social and cultural institutions that can enable rights in support of freedoms such as freedom of expression and the right to take part in cultural life. When freedoms are articulated as human conditions that motivate individuals and



communities to support them, the public library ideal has sufficient social influenceability (a positive societal motivation for public libraries as a social good) and a history of democratic engagement through public discussion to warrant their continued support. They are also embedded in ethical issues such as social justice, fairness and equality. These are threshold conditions that support access to information – printed and digital – as a way for developing knowledge, literacy, socializing, participating in one’s own culture and community and furthering online education that represent the importance of these institutions to Indigenous communities.

In the next chapter I develop a theoretical framework using Amartya Sen’s (1997, 2004, 2009) and Polly Vizard’s (2006) expanded capability approach, which focuses on substantive freedoms and international human rights in relation to access to information. This theoretical framework shows correlations between the UDHR and the UNDRIP in support of individual and collective rights; the ICCPR and the ICESCR reflecting social and cultural rights; the co-evolving legal mechanisms of the Charter and the Rights of Aboriginal Peoples of Canada in section 35 in relation to access to information.

## **CHAPTER 3: THEORETICAL FRAMEWORK: THE CAPABILITY APPROACH**

The assessment of societies and social institutions can be deeply influenced by the information on which the approach focuses, and that is exactly where the capability approach makes its main contribution.

*Amartya Sen, 2009: 233*

### **3.1. Introduction**

I have chosen Amartya Sen's (1997, 2004, 2009) capability approach as an evaluative framework for this dissertation's research. Vizard (2006) expanded Sen's capability approach by elaborating on the dimensions of human rights proposed by Sen (2004, 2009). The main elements of their expanded capability approach are substantive freedoms, meta-rights and obligations (Sen 1997, 2004, 2009; Vizard 2006). I have adapted Sen and Vizard's work by including additional international and Canadian rights such as the UNDRIP and the Canadian Constitution, 1982, and the Charter of Rights and Freedoms. These rights were previously identified in the literature review. My research question fits this approach with regard to the obligations and duties that affect access to information at public libraries. This aspect has not been researched in LIS. In my adapted framework I analyse informational rights potentially relevant to Indigenous public libraries to understand how the provisions in these rights affect access to information at the Six Nations Public Library. This adapted framework is evaluated in Chapter 6 using the findings from the case study of the SNPL and the interviews with off-reserve library stakeholders. In this Chapter I discuss the positive contributions of the capability approach, which is followed by my reasons why this approach relates to the research question. I then discuss some of the critiques of the approach, followed by the limitations to using this approach. Finally, I show how I adapted Vizard's (2006) interpretation as an evaluative tool.

### **3.2. Contributions to the Capability Approach**

The capability approach has made positive contributions to many fields of research but there are also many critiques. Scholars note that the capability approach is vague often because the concepts that they use are vague to begin with, for example, the concept of

poverty (Qizilbash, 2008; Chopra and Duriappah, 2010). Others argue that it focuses too much on the plurality of interrelated variables, dimensions and spaces (Deneulin, 2010; Mehrotra, 2010). It has also been critiqued for lacking specificity on how dimensions are selected (Nussbaum, 2011). A further critique relates to the extent to which capabilities can even be assessed, particularly as a proxy for measuring primary goods (Robeyns and Brighthouse, 2010).

Other studies show how the capability approach can be successfully implemented to converge theory and practice (Comim, 2008; Wolff and de Shalit, 2007). The capability approach is also open and general and has been used by the United Nations in the Human Development Index as well as the Canadian Index of Well-being to compile and discuss well-being indicators (CWI, 2016; UNDP, 2016; Sen, 2009). The approach is also a multi-faceted evaluation, which is context-dependent (Chiappero-Martinelli, 2008), and which is therefore well-suited to my research (as discussed further in this chapter and Chapter 6).

There are also positive contributions to this approach within LIS (Mathieson, 2015; Birdsall, 2014; Buschman, 2018). In LIS, Birdsall (2011) discusses the capability approach and ICTs that share a dialogic communicative connection of normative values derived from a human rights perspective. Both share communication, a phenomenon fundamental to exercising human capabilities and the development of ICTs (Birdsall, 2011: 94). Using communication rights, Birdsall shows complementarity between the capability approach and ICTs, such as universality and cultural diversity; individual and community rights; traditional freedoms and human rights; participation; and positive rights in a global context. I use Birdsall's idea of a dialogic space to understand how the capability perspective that is proposed by Sen (2009) and Vizard (2006) can be used as an expanded capability space for ethical engagement around legal and moral issues (Ermine, 2007). In a later work by Birdsall in 2014, he articulates an argument for development, human rights and human capabilities, postulating that human rights have played a minor role in the capability approach. He argues that human rights and human capabilities share commonalities that make them rivals as strategies in development, but questions whether they in fact reinforce each other since this dimension is under-researched at present and the direction of the relationship is not known. He therefore offers an alternative hypothesis that "the potential of each reinforcing each other is problematic because human rights and the capability

approach confront a political divide” (Birdsall, 2014: 2). Birdsall (2014) argues that human rights operate in power politics (an experiential realm) while the capability approach operates in public policy (a philosophical realm) but that more emphasis is needed on human rights in social science research. I argue that there is synergy between the two realms as is evidenced through a human rights approach to capabilities where substantive freedoms and meta-rights reinforce each other and which I explore in the theoretical Chapter of this dissertation.

Mathiesen (2015: 199) developed a conceptual informational framework for social justice for LIS by critiquing both Sen’s capability approach and Rawls’ theory of justice based on primary goods. Mathiesen (2015) identifies five features that form the basis of her informational justice framework (based on social justice theory). The first two are the institutional perspective and the ethic of care, and solidarity and respect. The final three features are distribution, participation and recognition. Mathiesen (2015) reconciles the difference between primary goods and capability theorists’ by viewing access to information as a capability-sensitive resource. In reconciling this difference between Rawls’ justice as fairness theory and Sen’s capability approach, Mathiesen (2015: 212) argues that “we need to change our focus from thinking of information as the resource, to thinking of access to information as the resource”. Access is therefore a “relation between persons and information” which is in line with her definition of informational justice as “justice for persons and communities in their activities as seekers, sources, and subjects of information” (Mathiesen, 2015: 212). Such an informational justice framework, which is a capability-sensitive resource-oriented perspective indicates that the focus is still on the means or primary goods and only sensitive to capabilities. However, capabilities are focused on people, opportunities and freedom rather than the institutions (means), although Sen (2009) recognizes institutions as being justice-enhancing. I argue that by concentrating on primary goods, there is indifference to, and neglect of actual things that people value and can and do achieve and that the conditions of primary goods differs between people, individuals and countries. According to Sen (2009), to take advantage of substantive opportunity, the discourse needs to move beyond primary goods as the informational focus of evaluative exercises and to take basic human interests into account. Such an approach would evaluate the substantive freedoms that people can and do enjoy more directly, which

is inherent in the capability approach. In my reasoning, the capability approach provides a better evaluative framework for assessing overall advantages of individuals than is possible using Rawls' principles, but this does not negate the value of liberty (first principle) or procedural fairness (second principle). Sen (2010: 242) argues that liberty is in fact only "one of many influences on a person's overall advantage" and that prioritizing liberty as a primary good is limited. He recognizes liberty but does not agree that it can be prioritized lexicographically and above other freedoms. For Rawls (1971) however, liberty has the highest priority and is above the difference principle. In the capability approach, freedom is inherent in human capabilities contextualized in institutions that enhance liberty but that do not determine liberty.

I also argue that inherent in a discussion on 'primary goods' and 'capabilities' for distributional justice is a corresponding discussion on the arrangement of social and economic equalities. According to Rawls (1971) primary goods are to be arranged so that they are of greatest benefit to the least advantaged, while capabilities focus on the beings and doings of an individual for leading a fulfilling and valuable life. For Sen (2010: 242), this is a discussion on "the demands of overall equity and efficiency in the distribution of individual advantages", which are seen in the instrumental freedoms embedded in the capability approach. However, Sen (2009) also sees this arrangement as being complemented by an international rights regime and jurisprudence. In contrast, in Rawls' *Law of Peoples* (1993), human rights were described in his political conception of rights to apply only to the basic structure of political, economic and social institutions, to the law and practices of the society of political peoples; as independent of religious, philosophical or moral doctrine and, where the content is expressed in terms of certain fundamental ideas implicit in the public political culture of a liberal society (Rawls, 1993). While Rawls did include minimum subsistence rights in *Law of Peoples* (1993), he specifically rejects a number of Articles from the UDHR. Specifically, Rawls rejects Article 1, Freedom and equality; Article 2, Non-discrimination; Articles 19 and 20, Freedom of opinion, expression, association, peaceful assembly; Article 21, Political participation; and Article 22-28, Entire social and economic rights (Rawls, 1993; 1999; 2001; Sen, 2009; Vizard, 2006: 54). In this dissertation, the UDHR articles that Rawls rejects are in fact part of the international rights and inherent in the jurisprudence in Canada and are therefore included

in my adapted capability framework. In addition, literature supports these articles as being pertinent to the right to information, access to information and Indigenous cultural rights within the context of public libraries (Edwards and Edwards, 2010; Roy and Hogan, 2010; McKenna, 2011; UN 2009; 2011; Hamelink, 2014; Albarillo, 2010; Mathiesen, 2013; 2014).

### **3.3. Justification for the Choice of the Capability Approach as a Theoretical Framework**

The capability approach provides a perspective through which I view and analyse the relationship between rights on the one hand, and individual and community level access to information through the institution of the public library, on the other hand. Since public libraries are ethical, social, political, technological and cultural institutions about people, ideas and choices, they provide opportunities for individuals and communities to use information according to their needs to lead fulfilling and meaningful lives. The capability approach focuses on human diversity, it shifts the focus from the institutions that govern access to information, to why access to information is valuable and how this affects library users. This approach also focuses on a particular conception of freedom that refers to opportunities that are found in the human capability to be free. I articulate my four key reasons for selecting and using the capability approach in sections 3.3.1-3.3.4 below.

#### **3.3.1. Human Diversity**

The capability approach arose out of Sen's re-examination of inequality and his reasoning that in the ethics of social arrangements, which is the foundation of theories of justice, equality is always questioned. It is here that the capability approach differs from other theories of justice because Sen's approach focuses on human diversity as the fundamental aspect of equality rather than on the equality of social arrangements (Sen, 1997; Rawls, 1971, 1993, 2001). In contrast, primary goods, which Rawls (1971) describes as the rational things that every man is presumed to want such as rights and liberties, powers and opportunities, income and wealth as a means. According to Sen (1997) these primary goods

fail to capture the variability in these goods or the ends as a combination of valuable beings and doings a person can achieve. Sen's (1997) position on human diversity as the basis for equality relates to how I conceptualized the research question, which focuses on an Indigenous public library which has a wide diversity of users. In addition to this, an outcome of the literature review indicates that Indigenous public libraries are under-supported both in terms of funding and in terms of distributive justice. An implication is that there is therefore limited research on the consequences of not having access to information in relation to people who use Indigenous public libraries.

### **3.3.2. Shift in Focus**

A second reason for choosing the capability approach is that the focus of the approach refers to human capabilities rather than to institutions in society. The term 'informational focus' is used by theorists to describe the focus of a theory (Sen, 1997). My focus in this dissertation is on an interpretation of the public library ideal that reflects something broader than the public library as a great equalizer and a social good (Buschman, 2007). A conclusion to the literature reviewed in Chapter 2 on access to information, distributive justice and rights is that the concept of access to information is multi-dimensional: it reflects physical, intellectual and socio-cultural aspects of access as well as rights. In reflecting on this outcome, I reviewed theories that could frame how the basic need for information is reflected in how library users are affected by rights. In this respect the basic institutions that organize society, can also reflect a just-ness, fairness and equality in how public goods and services are distributed. The capability approach provided just such a framework and has allowed me to structure my discussion on how an Indigenous public library reflects informational rights through both its users (their substantive freedoms) and the institutions (governing institutions such as international and domestic law and the governments as capability-enhancing) that support access to information as a matter of justice and a fundamental human right (Eliadis, 2014; Zheng and Stahl, 2011; Birdsall, 2011, 2014; Mathiesen, 2013, 2015; Vizard, 2006; Sen, 1997, 2004, 1999, 2009; Paré and Smeltzer, 2013).

The capability approach is regarded as an alternative theory of justice because it shifts the informational focus for judging equality in society from aggregated concepts such as happiness or income, for example, to an individual's overall advantage in society (Sen, 1997). The informational focus in the capability approach does not refer to an ideal or a formula, although an outcome may be policy development. However, according to Sen (2009), policies depend on the questions asked, data availability, and informational material that is used to judge advantage. In the choice of an informational focus where there is a concentration on capabilities, the result "can be quite momentous in drawing attention to the decisions that would have to be made and the policy analysis that must take account of the right kind of information" (Sen, 2009: 233).

This shift in focus to capabilities was useful for how I conceptualized the research question, especially when this shift is viewed in relation to other theories of justice that use different informational bases. Utilitarianism, for example, focuses on outcomes and not on how this outcome is achieved (McMenemy, 2014: 67). The outcome, or consequences in this consequentialist or utilitarianism theory measures life choices as an aggregate loss of utility when utilities are measured through a sum total metric of happiness. Rights and freedoms have no intrinsic importance in utilitarianism (Sen, 2016). There is thus no account of how this metric is judged and it is based on an ambiguous balance of averages. In contrast, primary social goods, which are distributed by social institutions, "are rights and liberties, opportunities and powers, income and wealth", which provide a way to judge or objectify these goods (Rawls, 1971: 92). Primary goods "are things which it is supposed a rational man wants whatever else he wants" (ibid.). Primary and social goods "in view of their connection with the basic structure, liberties and powers are defined by the rules of major institutions and the distribution of income and wealth is regulated by them" (ibid.). These primary social goods are premised on the following: "As long as we can identify the least advantaged representative man, only ordinal judgements of well-being are required from then on. It does not matter how much worse off this representative individual is than the others" (Rawls, 1971: 91). Better or worse is therefore the measure and a decision is made in the basic structure maximising the least favoured representative person. This is Rawls' difference principle, which is centred on the individual 'man'. This theory of justice



is false gender-neutral and androcentric<sup>25</sup> but stands as a major theory of justice in contemporary society (Robeyns, 2008). In this dissertation I emphasise the substantive freedoms inherent in capabilities by evaluating the institutions and rights that support these freedoms through obligations rather than as aggregated metrics or primary goods as the informational focus.

The capability approach judges and compares overall individual advantages, which relates to my choice of this approach because it does not consider an ideal state but rather the social context of individuals as the foundation of a capability approach. I decided that since Indigenous public libraries are about individuals and community information needs, this library emphasises the specific context and the specific institutional aspects of the capability approach. For example, the Six Nations Public library is located in Ohsweken, on Six Nations of the Grand River territory yet also on reserve, which is context specific. Six Nations Public Library is also embedded in specific Indigenous international laws (the UNDRIP, UDHR, ICCPR, ICESCR), Haudenosaunee law and the Canadian Charter (section 35). As highlighted in Chapter 2, Sen's capability approach considers the individual and community within their contextual realities, which is central to my research context.

### **3.3.3. Substantive Freedoms**

A third reason for using the capability approach is that it is an evaluative framework based on fundamental freedoms and human rights. This approach considers agency in substantive individual freedoms whereby a person is free to do, and achieve, something by pursuing whatever goals or values they regard as important (Sen, 1997). These individual freedoms include well-being freedom (to achieve things that constitute well-being), and agency freedom (that bring about achievements one values to support one's well-being and the well-being of others). The freedom to pursue rights are integral to these freedoms and therefore, fundamental to the freedom of choice. Sen's (2004) work on the elements of a

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<sup>25</sup> According to Robeyns (2008: 82) "such theories are false gender-neutral and androcentric when they pretend to be theories which apply equally to men and women, but upon closer scrutiny they are focusing mainly on male experiences and interests, thereby ignoring aspects of social institutions, or dimensions of well-being, that are of special importance to women and children".

human rights theory embeds human rights in the capability approach because he saw these rights as being part of the institutions that influence daily life. If there was a lack of freedom to pursue opportunities, then this could be the result of entrenched inequalities in institutions of the state and their mandates that drive policy. Sen (2009) and Vizard (2006) both consider the capability approach from a human rights perspective, which reflects my research and shows how a rights-based approach to access to information at a public library can be understood.

### **3.3.4. An Open and General Approach**

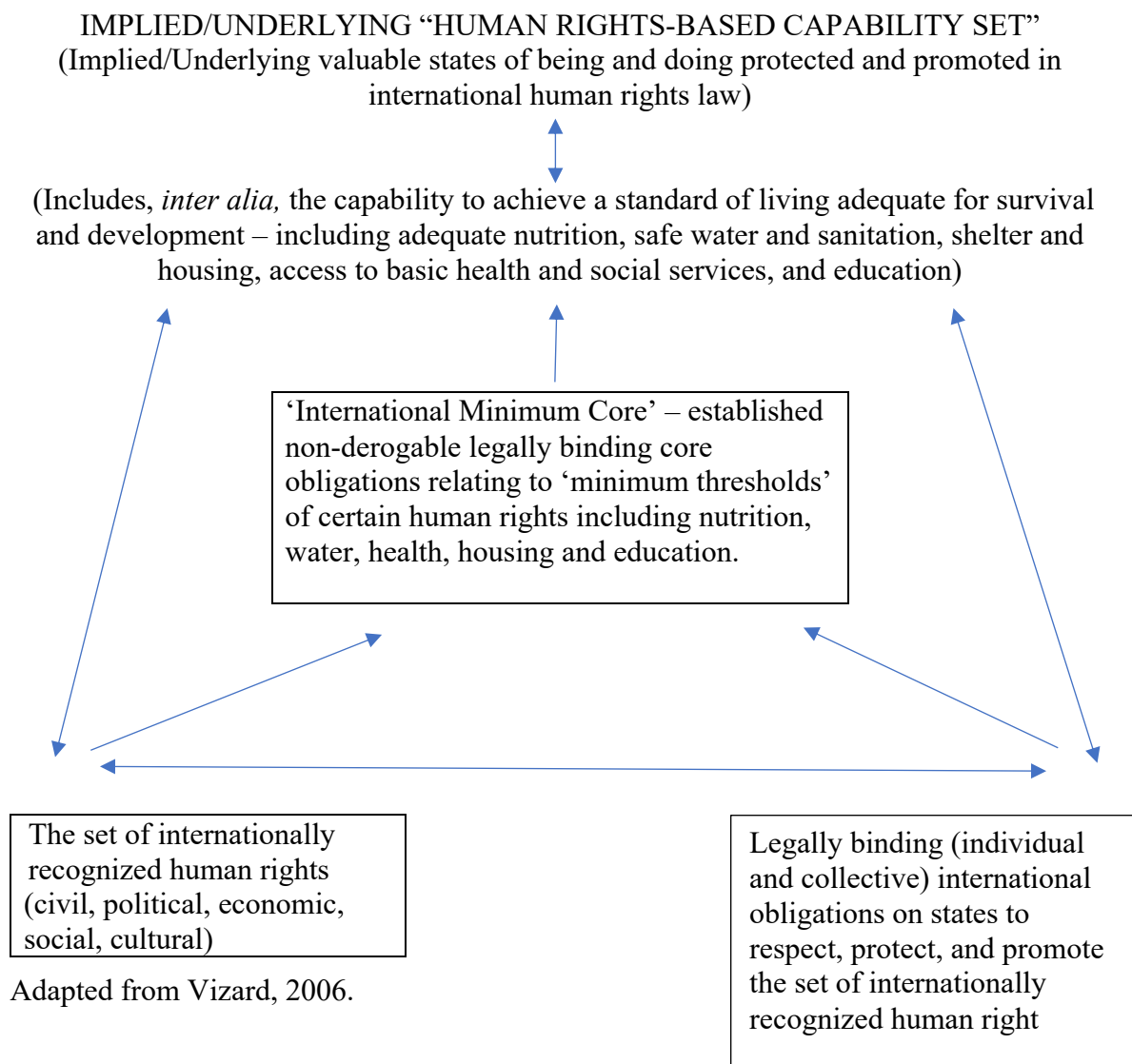
A fourth reason is that because the capability approach is both a general and an open approach it can accommodate both an interdisciplinary perspective (it is general and not specific to any discipline) and it can also accommodate a discussion on a broader range of topics (it is open) and therefore adaptable. The capability approach is well suited to the LIS field because the capability approach is open and because LIS is interdisciplinary (Hill, 2011; Mathiesen, 2015; Zheng and Stahl, 2011; Buschman, 2018; Birdsall, 2011; Mansell, 2002). Specifically, I decided to draw on Vizard's (2006) original work based on Sen's (1997; 2004; 2009) capability approach, which includes human rights. I developed my own version by adapting this framework to include a wider range of rights, treaties and their perfect and imperfect obligations than those used by Vizard, which was possible because the approach is general and adaptable. Figure 2 on the following page shows Vizard's conceptualization of 'Combining Capability Space with a Supplementary Theory of International Human Rights Law (Vizard 2000)'.

### **3.4. Limitation of Vizard's Application of the Capability Approach**

Vizard (2006) identified a limitation in her expanded capability approach in research on poverty and human rights, which relates directly to the limitations expressed in the Kangar deontic logic model. This model can be used to mathematically represent freedom from poverty as a basic human right in relation to obligations (Vizard, 2006). This model shifts the focus from the correlation between rights (a two-place relationship) to a three-place

relationship by including types of rights (two-place rights relationship plus a third relationship of type of right (claims for example)). The outcome is complex because of the moral element of claims, liberties, powers and immunities.

**Figure 2: Combining ‘Capability Space’ with a Supplementary Theory of International Human Rights Law (Vizard, 2006)**



Vizard (2006) acknowledges the usefulness of this model because it can be used to broaden the discussion on human rights and poverty. In addition to this, the model can also be used to represent a formal relationship between rights, however, a limitation is that imperfect obligations present additional complexity because these obligations depend on the politics or economy of a country. I do not use a formal deontic logic model to assess my evaluative framework and only use the co-relationship of a wider range of rights and perfect and imperfect obligations as stated in the literature reviewed. Sen (2009) supports deontological framing in his political and moral thinking through his discussion on the significance of human lives in ethical debates and his consequence-sensitive but duty-bound moral reasoning.

### **3.5. Adapting the Capability Approach**

I decided to use the main elements of Vizard's (2006) expanded capability approach based on concepts developed in Sen's capability approach. Table 1 shows my summary of the main elements and concepts based on my review of the capability approach literature.

In my analysis of these elements – substantive freedoms, meta-rights and obligations – I determined that access to information could be an additional focus to the basic needs outlined by Vizard (2006). This therefore also required a further analysis of Vizard's (2006) international rights. I was cognizant of the fact that an outcome of Vizard's (2006) research on poverty and international human rights is that it is morally and legally complex. I used her conceptual framework to identify substantive freedoms related to rights and obligations by adapting this to include substantive freedoms conceptualized as substantive informational freedoms (informational functionings and informational capabilities) and informational rights. I evaluate my adapted framework in Chapter 6, using the outcome of the analysis of the key findings from the case study. In adapting Vizard's (2006) main elements and concepts in relation to my research question and from my analysis of capability approach literature, a number of correlations were synthesised and are now discussed.

**Table 1: Summary of Main Elements and Concepts of Adapted Capability Approach**

<p>SUBSTANTIVE FREEDOM</p> <p>Functioning</p> <p>Capabilities</p> <p>Well-being</p> <p>Agency</p>	<ul style="list-style-type: none"> <li>• Capability approach based on freedom and opportunity</li> <li>• Substantive freedoms are defined as freedoms that provide opportunity that includes the:             <ol style="list-style-type: none"> <li>1. Freedom to achieve functionings through actual ability to choose (potential of library to provide resources for literacy, communication, culture)</li> <li>2. Freedom to choose between different possibilities (informational capability set)</li> </ol> </li> </ul> <p>Freedom to choose affected by:</p> <ol style="list-style-type: none"> <li>a) Responsibilities and obligations of societies in policy development for public provision within states (Charter rights, politics)</li> <li>b) Freedom to pursue rights (value of library related to rights)</li> </ol>
<p>META-RIGHTS</p> <p>Entitlements</p> <p>Human Rights</p>	<p>Rights and freedoms and distribution of justice affect well-being (Wide range of rights that affect human rights, peoples' rights, cultural rights, treaty arrangements, Charter rights, public library ethical statements)</p>
<p>OBLIGATIONS</p> <ul style="list-style-type: none"> <li>• Interference of State (positive obligation)</li> <li>• Non-Interference of State (negative obligation)</li> </ul>	<p>Perfect Obligations:</p> <ul style="list-style-type: none"> <li>• Obligations of conduct</li> <li>• Performance or non-performance of specific actions</li> </ul> <p>Imperfect Obligations:</p> <ul style="list-style-type: none"> <li>• Obligations of result</li> <li>• Achievement or non-achievement of results evaluated but the specific means by which results are achieved, are not determined</li> </ul> <p>(International, national and local position on obligations and promotion and respect for rights and freedoms in relation to social, economic and political development)</p>

Adapted from Vizard, 2006.

### 3.5.1. Concentration on Information Related Substantive Freedoms

Vizard's (2006) framework emphasizes substantive freedoms as the real opportunities to pursue objectives through the capability to function (it is the functionings and capabilities that are important). This sets up a sub-class of fundamental freedoms and human rights (also described as a sub-class of capability-freedoms) that focus on opportunities that

people have to achieve valuable personal states. For example, opportunities to benefit from basic services, such as water. In the capability approach the opportunity aspect of freedom<sup>26</sup> is “the actual freedom a person has to achieve things that he or she has reasons to value and want based on the adequacy of opportunities and their relation to individual objectives and goals” (Vizard, 2006: 68). The range of choice depends on the adequacy of the value of the elements in the range of choice and personal values and preferences in relation to individual objectives and goals (Vizard, 2006: 69). This is an important element of the approach because when a person values something, access to that opportunity to achieve that ‘something’ is important in meeting individual objectives.

### **3.5.2. Concentration on Contextualized Rights**

Sen (2004) acknowledges that there is complementarity between human rights and legal rights for enhancing justice. Vizard (2006: 141) concurs and states that “international treaties, authoritative standard-setting, and jurisprudence reinforce and support the idea of the capability to achieve a standard of living adequate for survival and development”. International human rights are pre-legislative; they work ‘outside the law’ yet complement legal rights. In this sense human rights are a commitment and motivation to consider the duties that follow the ethical endorsement of these rights, while judicial laws build on the pre-legislative standing of claims (Sen, 2004: 318).

### **3.6. The Adapted Capability Framework as An Evaluative Tool**

In my adapted capability approach framework, two main elements developed in Vizard (2006) and Sen’s (1997, 2004, 2009) framework are used: substantive freedoms and meta-rights. Using these main elements, I discuss them in detail as 1) substantive freedoms comprising functionings, capabilities, agency and well-being; and 2) meta-rights and obligations. I use these main elements to articulate the foundational concepts that I

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<sup>26</sup> The process aspect of freedom is the intrinsic value of formal freedom to choose (the act of choosing) which is different from the opportunity aspect, which is the intrinsic value of substantive or real opportunities to achieve functionings.

identified through a review of the capability approach and which I found to be most relevant to my argument for my choice of the capability approach as a theory of justice. These concepts are: freedom as a human condition, complementarity of human and legal rights, a good society, public reasoning for substantive freedoms, substantive freedoms in functionings, capabilities and well-being, a consequence-sensitive approach, its counterfactual aspect, the role of institutions, and the idea of conversion factors of capabilities to functionings. This is a unique framing of the capability approach for discussing access to information as a fundamental human right and through domestic rights. I have outlined the main discussion points from my review of the capability approach in Table 1 above.

### **3.6.1. Conceptualising an Adapted Capability Approach**

#### **3.6.1(a) Substantive Freedom as a Human Condition**

Freedom is a human condition, which is recognized by individuals and groups and results in people being inspired and motivated to be free. According to Sen (2004) injustice occurs when one's freedom is impinged upon (Sen, 2004). In this sense, freedom has social influenceability and ethical importance and are given as reasons for freedom being pursued (Sen, 2004). For example, librarians and others have pursued international cultural rights because of the importance that these rights have to the freedom of expressing ideas, together with public libraries as institutions for enhancing users' informational experience, (Mathiesen, 2013; Roy and Hogan, 2010; Edwards, 2010).

Sen (1999, 2009) does not provide a list<sup>27</sup> of human functionings but claims that functionings (a person's 'doing' or 'being') and capabilities (the realization of functionings) are constitutive of well-being. Capabilities are real opportunities inherent in substantive freedoms to achieve valuable functionings, which are based on the actual ability to choose; that is, based on the freedom to choose between different possibilities, and to make decisions about things that one values (Sen, 1997; Vizard, 2006). This freedom is articulated through two aspects - the opportunity aspect and the process aspect. The

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<sup>27</sup> However, a capability set has been defined by Nussbaum (2011) who developed a set of central capabilities recognizing that people's life quality is plural and qualitatively distinct. She suggests that a good society promotes opportunities or substantial freedoms with the choice to exercise these freedoms to overcome entrenched social injustice and inequalities especially for human dignity and well-being.

opportunity aspect is the actual freedom to achieve what one values because of the adequacy of opportunities in relation to a person's goals (their capabilities) (Vizard, 2006; Comim, 2008). The process aspect relates to whether a person is free to make decisions without interference and if there is autonomy in choice. This process aspect is related to rights. These aspects are both integral to one's individual agency and life goals.

In developing my adapted capability approach more descriptively, I determined that the focal point is functionings and that capabilities are the variables that support functionings (Sen, 1997). A capability set is therefore described as a set of alternative combinations of functionings over which a person has a choice, as well as a choice between different possibilities (Sen, 1997; Vizard, 2006). Thus, functionings express individual library values that the public library extols through access to information and which library users and the community reflect in their levels of well-being. For example, Canadians' value for their public libraries is shown through case studies and anecdotes of how they use the library (Demers, et al., 2014; Newman, 2011). Other reports show how the public or community library is used to show its value to local leaders and how they can be part of the community discussion on the role of libraries for well-being (OFNPLSPLC, 2004). Case studies of users visiting the library to find jobs, learn new digital skills or access government resources also show the value of libraries (Becker, et al (2010, 2011).

Using the concept of substantive freedoms, I re-conceptualised functionings and capabilities. For example, because functionings are constitutive of well-being or one's beings and doings in relation to the library, in this dissertation they are called 'informational functionings'. This takes into consideration rights such as freedom of expression and taking part in cultural life for access to information in a good society. This also refers to the notion of a good society and one that supports the public good. Examples of functionings in relation to the contemporary public library include being social (using the Internet to access information through social media or the social space of the library to connect with others including using the Wi-Fi outside the library), being communicative (using the Internet to email family and friends or other interest groups or to make public statements), being literate (using the library to read, learn digital skills, or access cultural materials), or being cultural (enjoying one's culture and its artifacts, literary and artistic qualities). Therefore,



informational functionings are based on what it is that the library offers to people who are actively involved with the library and that they find valuable to their well-being.

A person's well-being or well-ness is dependent on his or her nature of being (Sen, 1997). The capability to achieve functionings constitutes a person's freedom and reflects opportunities and well-being especially since decisions and choices are part of these freedoms (Sen, 1997). In relation to my adapted capability approach, an example is the stewardship of cultural materials, histories and philosophies in Indigenous public libraries, which reflects individual and community value for libraries, and in turns affects well-being.

Capabilities are also defined in relation to their informational aspects. I define informational capabilities as the opportunities to pursue one's life objectives that are information-focused. For example, a public library is an informationally capability-enhancing institution in support of capabilities such as reading, communicating (online or offline in a public space), or learning (online and through programs). The freedom to choose between opportunities in life is affected by the mandates of organizations and their policy development of the main social institutions in society (UK, 2017; Hudson, 2012; Bigg, 2005; Ongley, 2005; Patterson, 2000, 2005). For example, one function of a public library is to develop collections that reflect society and culture. Therefore, in collection development, culturally appropriate protocols would be in place in policy guidelines to ensure ethical collection policies with regard to Indigenous knowledge protocols for access to Indigenous knowledge for example.

Other examples of informational capabilities are reflected in informational rights such as freedom of expression and the right to take part in cultural life. These rights provide opportunities to pursue what is important and enhances one's well-being. Therefore, by also evaluating the institutions that have the potential to enhance capabilities through their goods and services in policy mandates, the relationship between justice-enhancing institutions and informational functionings (constitutive of well-being and capabilities) can be established.

Opportunities enhance and enable functionings giving individuals and communities choices that they can make in achieving their well-being. Examples of capabilities as vectors of functionings are the institutions that support or enhance capabilities such as the law, education or health care. For public libraries it is the law that supports access to

information as previously defined, the constitution of the State (including the role of federalism in Canada in relation to public libraries) and how the Charter supports freedom of expression or the right to take part in cultural life through legislation, mandates and policies. For public libraries in Ontario, this is the Library Act, 1990. Also, at the time of the research, INAC for service and crown relationships with Indigenous peoples. It is also Aboriginal and Treaty rights in the Charter; and the UNDRIP. Other organizations that support this Constitutional mandate are the governmental library organizations such as Library and Archives Canada, which falls under Canadian Heritage (a federal organization) and the Ontario Ministry of Tourism and Sport and their Public Library department. In addition, non-governmental library organizations that effect access to information at Indigenous public libraries are the CFLA-FCAB and the OLA through their Indigenous sections and advocacy work in this regard.

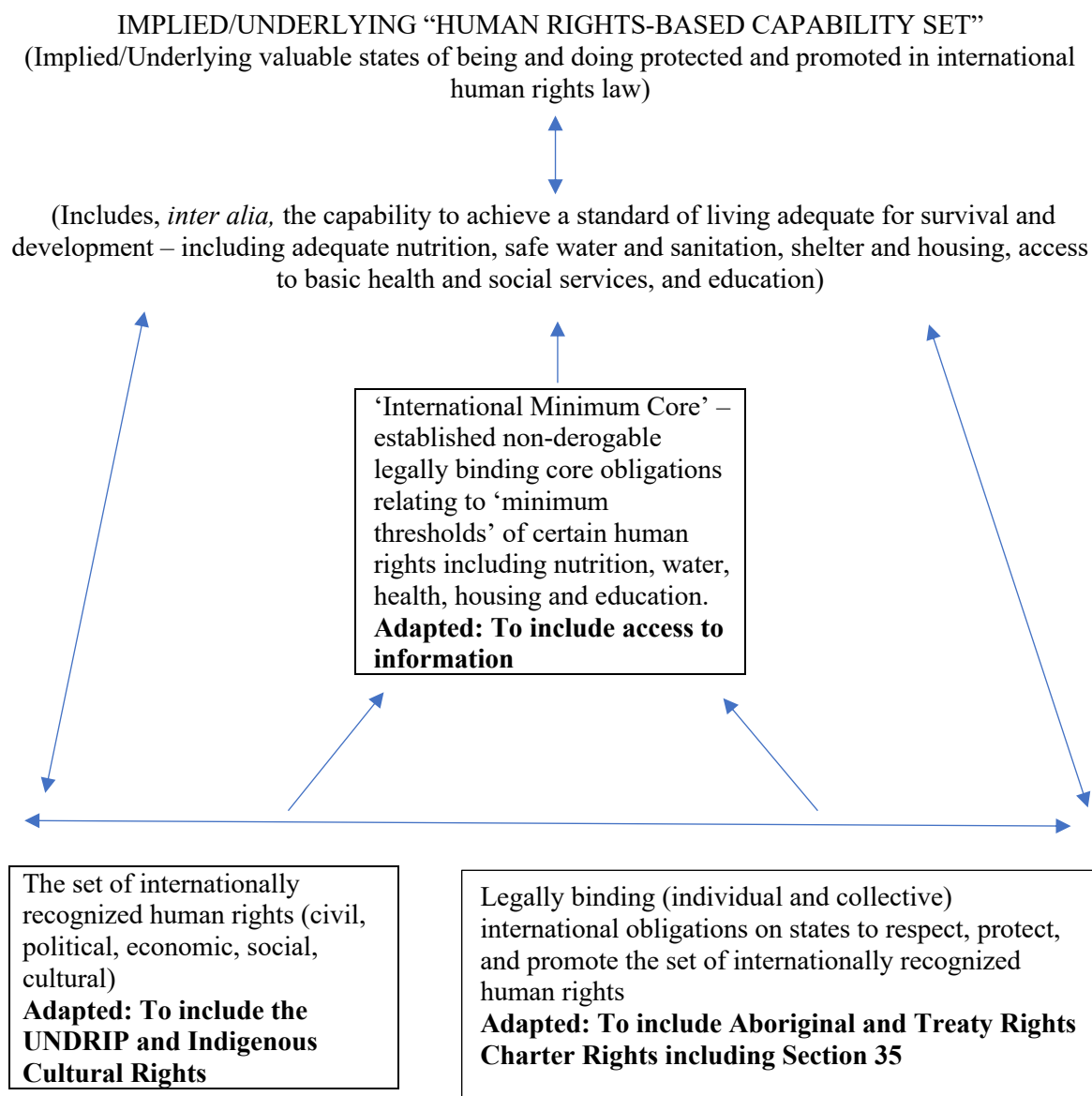
### **3.6.1(b) Complementarity of Human and Legal Rights**

In Vizard's (2006) expanded capability approach she outlines international human rights law, and the international machinery for monitoring and enforcement. In addition, she suggests that the emerging body of international standards provides a basis for extending and applying the 'capability approach' as a 'working model' of international responsibility and accountability in the field of global poverty and human rights" (ibid.). Using the capability approach as a working model to understand international human rights in relation to my research question, I have adapted her conceptualization as my theoretical framework (see Figure 2, 'Combining 'Capability Space' with Supplementary Theory of International Human Rights Law').

I have extended Vizard's (2006) model to the national context of Canada in order to understand the Canadian rights regime for Indigenous public libraries in relation to access to information (Figure 3 on the following page), to include access to information, Indigenous cultural rights and Charter Rights. This includes my interpretation of Vizard's international minimum core, which is the minimum non-derogable rights that support basic human rights (such as nutrition, water, health, housing and education). In my interpretation of this international minimum core I argue that access to information is also a minimum core and is expressed as a minimum threshold for alleviating information poverty when

supported by cultural rights. I also include international rights and Canadian rights in my adapted version such as the UNDRIP and Indigenous cultural rights.

**Figure 3: Adaptation of Vizard’s (2000, 2006) Combining ‘Capability Space’ with a Supplementary Theory of International Human Rights Law to Include access to information, Indigenous cultural rights and Charter Rights**



Adapted from Vizard, 2006.

In Canada human rights are legislated through the Canadian Human Rights Act, 1985. Vizard (2006) uses human rights to focus on capability-deprivation (or poverty) to assess whether global poverty is a violation of basic human rights on a systemic scale. In the

capability approach, poverty is seen as capability-deprivation while development is seen as capability-expansion. Capabilities can be evaluated through different types of rights and their perfect and imperfect obligations. Perfect obligations are obligations of conduct and require the State to perform (or not to perform specific actions depending on the type of government). These obligations are the corollary to fundamental rights of people and citizens. Fundamental rights are negative rights. Negative rights imply that the government cannot interfere with these rights because they are fundamentally human. An example is the freedom of expression and opinion (Vizard, 2006).

The four fundamental freedoms in the Canadian constitution are that everyone has: the freedom of conscience and religion; the freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; the freedom of peaceful assembly; and the freedom of association. For example, one can express an idea freely (except when it is hateful), which is a basic or fundamental freedom and a human right. An imperfect obligation is an obligation of result where there is a moral or legal obligation to achieve (or not achieve results), which are evaluated (through policy reviews for example) but the specific means by which the results of these obligations are achieved are not determined by the State. Imperfect obligations imply that there is no definitive law that identifies the exact right, unlike fundamental rights. The articles of the UDHR, for example, begin with the four fundamental rights, which are fundamental freedoms.

The corollary of imperfect obligations are rights that are generally considered positive rights. Positive rights are promoted by the State and their interference refers to how much involvement they show in the rights and therefore the positive aspect of these rights depends on the political climate and how these rights are valued by citizens. Sen (2004) calls this support for rights their social influenceability. Social, economic and cultural rights are often positive rights and dependent on availability of state resources. A welfare state, for example, would have many social provisions such as public libraries. Another example is the right to take part in cultural life and the mandated policies of Library and Archives Canada through Canadian Heritage to provide funding for digitization projects at a federal level, which is dependent on policies of Canadian Heritage within the political climate of this particular Canadian government (LAC, 2015d).

In Canada public libraries are not federally mandated and the provinces stipulate the terms of library funding. However, I argue that Indigenous public libraries are integrated into a federal and constitutional structure because they serve the dual purpose of enabling a right to freedom of expression (Canada has an international obligation of conduct to support this freedom because it is a fundamental freedom) and as an obligation of result (Canada has a federal and provincial mandate to provide and protect the right to a place to express freedom without discrimination in goods and services for Indigenous public libraries). The Indigenous public library is a place for implementing the right of freedom of expression and the right to take part in cultural life according to the UN general comments 34 and 21 (UN 2011, 2009) for public libraries. In addition, Indigenous peoples in Canada have Aboriginal and Treaty Rights that protect Indigenous cultural rights that are also protected by the UNDRIP.

### **3.6.1(c) Public Reasoning in a Good Society**

Freedom is “intrinsically important for a good social structure. A good society, in this view, is also a society of freedom” (Sen, 1997: 42). When capabilities are generated from goods and services three sets of conversion factors – personal, social and environmental – interact. These ‘areas of conversion’ are generally seen as spaces of equality by theorists who articulate equality through primary goods or utilities (for example, John Rawls and Jeremy Bentham respectively) (Rawls, 1971, 2001; McMenemy, 2014, Sen, 2017). Sen (1997) contends that an equality in one area of society will result in an inequality in another based on his critique of theories of justice. However, for Sen it is the circumstances of equality (the ends) that matter and therefore the capability approach is not focused on the equality of means but about equality in human diversity. From his political philosophy perspective, the interpersonal variations (or human diversity) between people and individuals are based on social realities and are therefore context-specific. In conceptualizing a good society as one that reasons through issues related to the public realm, I determined that an Indigenous public library could be a focus within this capability framework since it reflects a social reality in Canada.

Human rights are affected by the opportunity aspect and the process aspect, but they must also satisfy threshold conditions of special significance and social influenceability.

For example, is a person free within the fundamental rights that support this freedom? This is the conduct aspect of a right, which must satisfy threshold conditions of special significance such as fundamental human rights – for example, freedom of expression. Does a person have opportunities that are supported by the rights that pertain to their freedom? (the opportunity aspect) – for example, a public library for public provisioning that is supported and influenced by society and society values. These aspects can both be seen in the following example. The human right of freedom of expression is a right that has wide social support nationally and internationally and therefore meets the threshold condition for a human right, while also having social influenceability (Ash, 2016; Eliadis, 2014). Human rights in this sense generate their own promotion and result in them being safeguarded as freedoms, which gives people a reason to motivate for them (Sen, 2004). Obligations – perfect or imperfect – are the actions that ensure that these rights are implemented.

Sen (2009) emphasises public reasoning and open scrutiny in making social judgements, recognizing that different societies have their own sense of democracy. Therefore, the opportunities that people have are different. Their functionings, because of interpersonal variations in what individuals and community value, are different. This is pertinent for this dissertation, since the focus is on Indigenous public libraries and cultural rights and draws on individual informational functionings and community library values. Public reasoning on what is of informational value is an important part of public discussions. Therefore, the discussion on cultural rights is an important perspective on what is feasible for libraries to expect in terms of positive rights and which negative rights should be supported by the State. The case study is also context specific – it is Six Nations Public Library, located at Ohsweken. Haudenosaunee, Six Nations of the Grand River and their history and contemporary political issues affect SNPL and its development. Since at least the 1960s, Indigenous public libraries in Canada have also been part of Canadian society. Indigenous cultural rights are part of the democratic, public reasoning aspect of Indigenous public libraries.

An informational focus in the capability approach is on human capabilities and is one which is consequence-sensitive, and which considers outcomes and results such as the realization of fundamental freedoms and human rights (Vizard, 2006: 73). The capability

approach therefore moves the discussion from being means-focused to a valuable ends-focused combination of functionings and capabilities. In this sense then, freedom is not a ‘means’ but an actual freedom of opportunities, which affect well-being and are instrumental in judging how good one’s deal is in society. This is seen as a choice for human flourishing (Sen, 2009, 1997; Rasmussen, 2004). This is contrary to other justice-oriented theorists, such as Rawls and Bentham, who articulate rights as outcome-independent with a diminished (or no) role for human rights in enabling opportunities and who use rights in a limited way in their theories (Vizard, 2006; Dadlani, 2016). In my adapted capability approach there is a sensitivity to consequences where the outcomes of substantive freedoms are important to overall well-being. Within this capability shift there is not only the recognition of interpersonal differences and access to primary goods that enable a person to function, but also the opportunity to pursue personal goals and values.

### **3.6.1(d) Conversion Factors in the Adapted Capability Approach**

Sen’s (2009) principles of justice acknowledge the significant instrumental role of some institutions in the pursuit of the lives and freedoms that people choose when institutions have the “enterprise of enhancing justice” (Sen, 2009: xii). The institutions that organize society, including international rights and domestic rights and their ‘informational institutions’ (such as Indigenous public libraries), interpret individual and collective rights in their policies. These policies reflect opportunities in support of these rights.

In my adapted capability approach framework, capabilities are converted into functionings through personal circumstances (for example, circumstances that affect one’s essential being), the economy (such as a knowledge-based economy), political positioning (for example, the policies on non-discriminatory practices), social structures (such as welfare programs) and cultural factors (for example cultural visibility or national perspectives on culture) (Burchardt, 2008; Deneulin, 2008; Comim, 2008). In this dissertation, international, federal, provincial and local institutions embed rights and their imperfect and perfect obligations, which enhance individual and collective well-being. Therefore, these institutions provide a way of converting capabilities into functionings by potentially playing a supportive and promotional role in substantive freedoms. I also found this approach to be useful because social institutions are considered a social aspect in

converting capabilities to well-being. The public library is a social institution that provides goods and services and therefore people generate capabilities from these services that they find valuable.

### **3.7. Conclusions**

In this chapter, I developed an adapted evaluative framework for an Indigenous public library through an examination of Sen's capability approach and Vizard's expansion of Sen's approach (Sen, 2004, 2009; Vizard, 2006). Vizard's (2006) expanded capability approach focuses on a sub-class of fundamental freedoms and human rights and I use this to conceptualize the research question based on substantive freedoms and rights. In this conceptualization the substantive freedoms are informational. The rights are also informational in relation to international rights and include the UNDRIP as an international declaration on human rights. They also include a domestic Canadian perspective on cultural rights that I use to explore Indigenous cultural rights in relation to Indigenous public libraries and the perfect and imperfect obligations that they carry. Vizard's (2006) work contributes to policy debates on poverty and human rights in relation to standards of living adequate for survival and development. It is my view that access to information is also part of these discussions (Vizard, 2006: 141). This framework is used in the context of the research findings in Chapter 6. The research methodology is now discussed.



## CHAPTER 4: METHODOLOGY

Indigenous methodologies do not flow from Western philosophy; they flow from tribal epistemologies

*Margaret Kovach, 2009: 36*

### 4.1. Introduction

The chapter begins with my rationale for using a qualitative research methodology and a case study approach. This follows with a detailed discussion of the research design, in which the case study and its institutional context is presented. Details are also provided regarding participant recruitment and data collection through semi-structured interviews with participants from Six Nations Public Library, the case study and off-reserve library representatives who participated in the research. The data technique used in the case study analysis are also included. The description of the ethics approval obtained for the research from both Western University and the Six Nations Elected Council follows. The chapter ends with the limitations to the research methodology and a brief conclusion.

### 4.2. Research Methodology

In the exploratory stage of my proposal development, I had a series of conversations with Indigenous librarians and interested library partners. I also reflected on the literature related to Indigenous public libraries and on the historical and contemporary literature I had read about the perceived disparities between Indigenous and non-Indigenous public libraries. I therefore visited the Six Nations Public Library in order to find out more about this situation. I am interested in the role of the public library in support of human rights for access to information. It became apparent to me that I would need to engage with a range of community and professional stakeholders to understand what was emerging as a complex research problem. However, even in this early phase, it was clear to me through conversations with Indigenous librarians that there were two different world views at play as reflected in an Indigenous world view and non-Indigenous. As a non-Indigenous researcher and immigrant to Canada, I acknowledge that the perspective of Indigenous public librarians is unique. To be more informed I reviewed two main perspectives on

research methodologies: a Western research paradigm (Yin, 2014; Cresswell, 2007; Palys and Atchison, 2008; Maxwell, 2012) and an Indigenous research paradigm found in the work of Wilson (2008), Battiste (2000), Kovach (2009), and Smith (2006).

Kovach (2009: 24) states that “qualitative research offers space for Indigenous ways of researching, yet any understanding of Indigenous methodologies alongside Western-constructed research processes (qualitative or otherwise) triggers recollection of the miserable history of Western research and Indigenous communities.” In addition, and under these circumstances, research has often benefitted the researcher and not the people being researched (Kovach, 2009: 27). As a result of this research on methodologies and the research process I was acutely aware of these factors in developing and conducting my research.

#### **4.2.1. Using A Qualitative Research Methodology as an Outsider**

Early research in Indigenous communities was “responsible for extractive research approaches that left those they studied disenfranchised from the knowledge they shared” (Kovach, 2009: 27). Indigenous methodologists refer to qualitative research as traditionally an essentialist, positivist Western paradigm when referring to earlier ethnographic work by some non-Indigenous researchers (Kovach, 2009, Battiste, 2009). Other scholars describe the attributes of case study methodologies from Indigenous and non-Indigenous perspectives (Brophey and Raptis, 2016; Hart, 2010; Hart, et al., 2017). I was aware that by using a rights-based approach my research would include positivist elements and that rights in and of themselves are a particular approach established by the international rights regime and the Canadian state.

I determined that by exploring the Indigenous cultural role of rights with a focus on equality, fairness and justice in relation to a broader concept of access to information at a public library, this approach would reflect a respect for Indigenous methodologies. I also considered how the analysis could reflect Indigenous rights and obligations rather than only international and Canadian rights. The approach I have used in this dissertation is to recognize that the complementarity of human rights, treaties and legal rights articulated through Indigenous rights can reflect an open and reasoned perspective.

#### 4.2.2. Indigenous Methodologies and Qualitative Research Methodologies

According to Kovach (2009: 25) Indigenous methodology has a place in Western academia and qualitative research can be a bridge to traversing worldviews. For example, both research paradigms have ontologies and epistemologies, but Indigenous methodologies have their unique Indigenous epistemology and unique Indigenous knowledges, which are dependent on creation stories and interpretations of culture (Battiste, 2000). Likewise, Indigenous cultural knowings are language specific and reflect a unique Indigenous perspective (Kovach, 2009).

Qualitative research is congruent with relational qualitative approaches that values both process (iterative and cyclical) and content (varied, layered, multi-dimensional) (Kovach, 2009). For example, participatory action research, which offers theory, method and action, gives back to community through research as praxis. Qualitative research is built upon the constant interpretative presumption of subjective reflexivity (Kovach, 2009: 32). Subjective reflexivity provides a reference to the relational approach to Indigenous research (Wilson, 2008; Kovach, 2009). The researcher's own self-reflection is inherent in the meaning-making process of research.

Indigenous methodologist Wilson (2008) in his work 'Research as Ceremony', reflects on an Indigenous research paradigm, and then uses this research paradigm in his study in an Indigenous community. This paradigm included the main elements outlined in any research paradigm, which are ontology, epistemology, axiology and methodology (Lincoln and Guba, 2000; Wilson, 2008). However, it is Wilson's (2008) Indigenous interpretation of these elements that makes his approach uniquely Indigenous. This uniqueness is described in the concepts of relationships, which are inherent in ideas, abstractions and systems of thinking, and which are context-specific (Wilson, 2008: 77). Accountability to these relationships and the fulfilling of obligations are critical elements in building relationships "that have been established through the process of finding out information" (ibid.). In this way the integrity of the methodology and the potential usefulness of the results, reflect respect and reciprocity but also responsibility, and are called the three R's of Indigenous research and learning.

Kovach (2009: 31) suggests that a research methodology that uses an ‘insider’ space in qualitative research is one that can share Indigenous methodologies, even when adopted by non-Indigenous researchers undertaking research on Indigenous issues. This insider space would reflect both Indigenous and non-Indigenous methodologies and share similarities such as relationality, process and content as an ethical research methodology (Kovach, 2009).

I am aware that I am ‘researching’ and that First Nations public libraries on reserves in Ontario are part of the existing politic; therefore, respecting Indigenous Knowledge was of primary importance in the case study analysis. In using a Western research methodology, finding one that is not extractive, is accountable to Six Nations of the Grand River standards on research, and respectful of Haudenosaunee world view is challenging (Rice, 2013). As a researcher, I also have to balance my moral obligation to analyze and disseminate the results to the Six Nations community and academia in a manner that is responsible, respectful and reciprocal. Simultaneously, I am aware that in my qualitative research I am interpreting my observations from my own cultural perspective, world and professional experiences.

#### **4.2.3. My Approach to the Research**

As my research experience unfolded, I developed an approach to the study, theoretically and practically, of what Ermine (2007) calls an ethical space of engagement. This is explained as follows: To ensure that there is validity in the concepts that I am measuring and trustworthiness in what I am reporting, at each step in the planning and actual case study design I triangulated data from other sources in relation to my findings (Ermine, 2007; Battiste, 2000; Babbie, 1990). For example, in the four main themes that were developed - library governance, rights, library value and access to information - I referred to Indigenous, Canadian and Ontario public library reports and monographs for information on the history of libraries, levels of library governance and funding (Demers, et al., 2014; Newman, 2004, 2008; Bruce, 2011, 2012). I also consulted First Nations strategic public library reports to understand the Indigenous public library perspective (Saunders, 2012; Aboriginal Library Services Working Group and Mary Cavanagh, 2009; Ontario First

Nations Public Library Strategic Plan Liaison Committee, 2004). Ontario public library statistics were useful to understand changes in public library membership, connectivity and resources, and gave a general overview of library types and population estimates. The Ontario public library statistics have been collected since 1999 so I developed a timeline of changes in First Nations public libraries since that date. Data from the provincial statistics were integral to developing a comprehensive overview of First Nations public libraries (Schrader and Brundin, 2012, Ontario, 2016a). Other government publications provided information on the state of First Nations public libraries from a cultural perspective (Ontario, 2016).

In my qualitative case study methodology there is no unit of analysis *per se*. In a quantitative methodology using a randomised sample selection, the sample would have been generalizable to a greater population, but this research is context specific. The rights, freedoms and treaties of the UDHR, the UNDRIP, the ICCPR and ICESCR and the Canadian Charter and their provisions that have been identified as related to access to information at a public library are generalizable to Indigenous public libraries. These rights are identified as Indigenous and culturally specific to Indigenous library issues. The TRCC report articulates some of these rights, while Indigenous library scholars support international Indigenous cultural rights (TRCC, 2015; Roy and Hogan, 2010).

### **4.3. Case Study Research Design**

A conclusion to the literature review in Chapter 2 is that there is limited research on the relationship between rights and access to information in the context of the public library and in particular, in relation to Indigenous public libraries. Public library reports in Canada document that there are persistent historical injustices that continue on reserves today, which affects access to information. In this context, despite the fact that reserves are under-served by public libraries, with few staff members, and housed in buildings that need repairing, First Nations public libraries in Ontario provide essential services to communities (OLA, 2018; NRC, 2013; DeYoung, 2014; OFNPLSPLC, 2004; Blake, et al, 2003; Aboriginal Library Services Working Group and Mary Cavanagh, 2009; Newman, 2004; 2011; Demers, et al., 2014; O'Neil, 2016).

Two research objectives identify the broad goal of how rights affect access to information at Indigenous public libraries. The first objective is to describe, explain and evaluate information-related rights. This objective uses the rights identified and described in the literature reviewed to understand how these rights are experienced at the Six Nations Public Library. These rights are evaluated in terms of how they flow through legislation, especially in relation to funding, so that they meet their mandates to ensure information access and well-being. The second objective is to understand what the findings tell us in relation to the experiences of the Six Nations Public Library community and their use of the library in relation to these rights. The findings are based on responses from SNPL library users, management, board members, trustees and off-reserve representatives of library organizations.

In order to achieve these objectives, and cognisant of the unique circumstances of undertaking research in an Indigenous community, I chose a case study method to identify and explain any disparities (or not) in the relationship between access to information by SNPL individuals and community members and informational rights. A case study method can be used to explain presumed links in a complex situation (Yin, 2014). It can also be used to illustrate certain topics within an evaluation (Maxwell, 2012).

SNPL is situated in a complexity of international, federal, provincial, and Indigenous treaties, legislation and rights as well as those unique to Six Nations of the Grand River. For example, the specific political relationships between the Canadian state and the Haudenosaunee Traditional Council and the Six Nations Elected Council; and, their treaty relationship with the British Crown through the Governor-General, all affect the function of the SNPL. This affects the immediate political, economic and social reality of Six Nations of the Grand River and other Indigenous nations, which are receiving increased media attention and feature more prominently in federal and provincial initiatives. This begins to explain the complex situation of the case study. In addition, some of the public library reports reviewed use the term ‘multiple realities’<sup>28</sup> to discuss the context of the development and provision of library services (Gulati, 2013; Aboriginal Library Services

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<sup>28</sup> Multiple realities also mean “the independent and incommensurable worlds that are socially constructed by different individuals or societies” (Maxwell, 2012: 9). Taking this notion further, there are different and equally valid perspectives of realities because “the worlds that different societies live in are different worlds, not simply the same world with different labels attached” (Maxwell, 2012: 9).

Working Group and Mary Cavanagh, 2009). These realities “preclude firm or simplistic categorization of policy issues or solutions for all Aboriginal peoples.” (Aboriginal Library Services Working Group and Mary Cavanagh, 2009: 5). Indigenous histories by Indigenous scholars and other actors<sup>29</sup> have documented the cultural, social, economic, political, technological realities of life on- and off- reserve and the movement between the reserve and the city. I drew on this literature prior to approaching the CEO of Six Nations Public Library to express an interest in the subject of human rights and Indigenous public libraries.

Using Six Nations Public Library as the case study allowed me to explore my research question within this complex historical and contemporary Indigenous context, not least because the library is located on Six Nations of the Grand River territory at Ohsweken, which is a special federal government reserve near Brantford, Ontario. Moreover, through this complexity I could trace relationships between, for example, federal, provincial and local institutions and their policies as they relate to the Six Nations Public Library and its users (Beck and Manuel, 2008). The complexity of the context gives this study social, political, cultural, technological and economic meaning (Yin, 2014).

By studying one Indigenous public library I gathered participant responses from all the stakeholder interviews. My plan was to analyse these responses and develop patterns in the findings around main themes and identify the key issues in the context of secondary sources. Once the key findings were established in the case study analysis, I would then be able to apply my evaluative framework to test its value in understanding my findings on rights and access to information. The adapted capability as an evaluative framework is an “opportunity to shed empirical light about some theoretical concepts or principles” (Yin, 2014: 40). These factors together make SNPL an appropriate case for my research.

I also presented the first draft of the dissertation, which included the research findings to the Six Nations Public Library Board on February 12<sup>th</sup>, 2018. I wanted to ensure

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<sup>29</sup> Indigenous peoples have documented this through various Indigenous movements and in the literature on justice, diplomacy, rights advocacy, storytelling, music and films, which highlight social and structural inequality issues (Ermine, 2007; Vowel, 2016; Palmater, 2015; Smith, 1999; Day, Lamarche and Norman, 2014; Saul, 2008; 2014; Kovach, 2009; Simpson, 2014; Wilson, 2008; Cardinal, 1999; Henderson, 2008; Long and Dickason, 2011; Borrows, 2016; Battiste and Henderson, 2000; Sanderson, 2016; Macklem, 2007, 2016; Howard and Proulx, 2011; Maracle, 2017; Hill, 2017; Demers, et al, 2014; Saunders, 2013; Lynch, 2017, Canada, 1996; TRCC, 2015).

that the research process was considered appropriate by the SNPL Board since the case study represented their community and their library users. The Board accepted my preliminary findings, which indicates that we could continue the research relationship and confirmed the outcomes from the community perspective.

#### **4.3.1. Case Study: Six Nations Public Library**

##### **4.3.1.1. Research Setting**

Six Nations Public Library (SNPL) is centrally located in the village of Ohsweken on Haudenosaunee territory and is a 30-minute drive from Brantford, Ontario. SNPL provides library services to the Six Nations of the Grand River and visitors. The two-storey yellow brick building has a grassed front area with a picnic table to the side. Beyond this there is a large 40-foot blue storage container attached to the building, which houses SNPL books that cannot be accommodated on the shelves of the library and is only accessible to staff. There are parking lots to the left and right of the building. The Six Nations Elected Council offices and other local services are to the right of the library across the parking lot. General stores are located along the busy Chiefswood Road.

The Library is open six days a week and offers a welcoming environment for patrons and visitors alike. Inside the entrance to the library, local newspapers – The Two Row Times and Turtle Island News are displayed along with other useful information about local events and services. The library walls have a map of Ontario First Nations, and library posters related to newly published books. There are also fiction collections, a children's collection and small area for children. There is a DVD and CD collection. There is an extensive collection of historical literatures on Six Nations, 'Native' history and general non-fiction collections on both the lower and upper floors. There is a dedicated workstation for the digital newspaper collection on the second floor.

The Boardroom, also on the second floor, has a closed collection of rare historical documents, which has been developed over the years. The documents are important for Haudenosaunee and Six Nations of the Grand River history and as a reference source for interpretations of treaties. The Haudenosaunee Great Law of Peace is also part of this special collection. Language collections are available as audio recordings of Six Nations



languages. These collections are accessed with the help of SNPL staff. SNPL staff also help patrons with trouble-shooting on computers, answering queries or chatting with regular patrons. Revisiting the library in 2017 to begin work on my case study I noticed a new Tim Hortons had recently opened directly across the road from the main entrance to the library and a section of Chiefswood Road outside the library had been newly tarred.

#### **4.3.1.2. Background to the Research Process**

I first researched local First Nations libraries in Ontario using the Ministry of Tourism, Culture and Sport public library statistics (Ontario, 2016). Their detailed database lists a number of useful statistics for all public libraries that submit applications for funding. I also visited the Woodland Cultural Centre located on Six Nations territory in Brantford, Ontario prior to the proposal stage of the research process. Their library is housed in what was the oldest residential school in Ontario. It holds a wide collection of information about Six Nations of the Grand River. There is also a Six Nations cultural centre and museum on the same property.

To understand my field of interest more broadly, I completed a reading course on Indigenous peoples' public libraries from a global perspective as well as an online course on Reconciliation through Indigenous education taught by Professor Jan Hare at the University of British Columbia. I also read both fiction and non-fiction Indigenous works to gain a deeper understanding of Indigenous issues in Canada. In order to meet First Nations librarians, I contacted some by telephone to discuss First Nations libraries informally. I also attended a First Nations public library gathering in North Bay where I met librarians from Northern and Southern First Nations public and community libraries. I was invited to the Ontario Library Association's Indigenous Task Group luncheons on two occasions and met up with First Nations librarians, who I had met on several other occasions, including in North Bay.

### 4.3.2. Institutional Context of the Case Study

In my investigation of the public library policy landscape in Canada and Ontario, I learned that organizations and associations operate at different levels of government. The term ‘formal’ defines federal, provincial, inter-jurisdictional government and the Six Nations Elected Council as institutions. ‘Informal’ defines those institutions such as national and provincial library associations, as non-governmental organizations. I was interested in their mandates and policy objectives in terms of analyzing rights and obligations with respect to access to information.

I consulted a number of reports and websites to identify organizations that would be useful in the research. A number of criteria were identified to determine which organizations should be included in the study. Those organizations included: those that had institutional policies referring to public libraries; library organizations that reported on Indigenous public libraries or were defined as public library organizations; websites that reflected advocacy work for the public library; and institutional interpretations of human rights or Indigenous rights referring to access to information. In some instances, there was a direct relationship with public libraries in an institutional mandate, in policies or departmental strategies (for example, the Ontario Ministry of Tourism, Culture and Sport and their reference to the Public Library Act, 1990). I was successful in contacting representatives from all the organizations and associations that I had identified at all levels of government.

From previous readings on Aboriginal and treaty rights, culture and the mandate of Indigenous and Northern Affairs Canada (INAC) at the time of the research, I had assumed that public libraries were part of this particular federal organization’s mandate. My assumption was based on the fact that Canada is a federation (without provincial constitutions) and that Aboriginal and Treaty Rights are constitutional matters. This was confirmed by the fact that the Public Library Act, 1990, a provincial library act (for Ontario), that indirectly refers to the Indian Act (a federal mandate) when it refers to ‘Indians’ and ‘Indian Bands’. However, I discovered that although this provincial public library act includes these terms, there is no known relationship between the provincial and federal government for Indigenous public libraries on reserves and that public libraries are

only a provincial matter. The implication is that while the provincial government legislation establishes and is responsible for public library boards, funding and administration, there is no social and economic development mandate for Indigenous public libraries and that funding is linked to a provincial cultural mandate. The reason given is that Indigenous social and economic development is a specific parliamentary responsibility through the federal government for these services. In addition, in transferring education or health to self-government on-reserves there would be no public libraries to transfer. These assumptions were clarified through the case study analysis and are related to the basic institutions and governance structures in Canadian society and their historical and contemporary development, funding, and service delivery issues. Table 2 below summarizes the organizations and stakeholders identified for interviews.

**Table 2: Stakeholders in the SNPL Case Study**

<b>Name of Organization</b>	<b>Type of Organization</b>	<b>Status</b>
Department of Canadian Heritage	Federal Government	Formal Institutional
Library and Archives Canada	Federal Government	Formal Institutional
Provincial, Territorial Public Library Council	Inter-jurisdictional	Formal Institutional
Ministry of Culture, Tourism and Sport (Department for Public Libraries including SOLS and OLS-N)	Provincial Government	Formal Institutional
Six Nations Public Library	Local Government (Six Nations Elected Council)	Formal Indigenous Institutional
Canadian Federation of Library Associations	National Association	Informal institutional
Ontario Library Association	Provincial Association	Informal institutional

#### **4.3.3. Ethics and Informed Consent**

In order to establish a relationship with Indigenous librarians, a year prior to my actual field work I contacted Professor Susan Hill who was an Indigenous faculty member at University of Western Ontario at that time to express my research interest. This initial discussion

developed into a meeting being set up with the Chief Executive Officer (CEO) of the Six Nations Public Library (SNPL), Dr. Sabrina Saunders. The CEO expressed interest in the study, and subsequently presented the proposal to the SNPL Board at the next meeting. At this meeting, the Board and CEO agreed that my proposed research would be of interest to the Six Nations Public Library community and I was given approval to proceed with the research. I was fortunate to have Dr. Saunders as a mentor to help guide me through the Indigenous Protocols and the case study at SNPL. As the CEO of the Six Nations Public Library, Dr. Saunders ensured that all Six Nations of the Grand River Territory protocols were respected during the research process, including the requirement that I disseminate the results of the dissertation.

Obtaining free, informed and prior consent requires communicating with each Indigenous Nation or collective and acknowledging their protocols for how to communicate in accordance with Indigenous protocols, procedures, laws and practices (Younging, 2018; Kovach, 2009; Battiste and Henderson, 2000; Brophy and Raptis, 2016). I therefore adhered to the community customs and codes of research practice of the Six Nations of the Grand River Territory in the planning and conduct of the research at the Six Nations Public Library (see Appendix 1 for Six Nations Elected Council letter of approval). There are protocols in place at Six Nations of the Grand River, which the University of Western Ontario research ethics adheres to. In the application package, Six Nations Elected Council stresses the Tri-Council Policy Statement: Research Involving the First Nations, Inuit and Métis peoples of Canada, in their protocols. The University of Western Ontario application also adheres to these protocols. Prior to approval from Six Nations Elected Council to interview any members of the Six Nations Public Library community, I required Research Ethics approval from the University of Western Ontario (see Appendix 2 for the letter of information and consent required by the University of Western Ontario as ethics approval). I therefore applied for ethics approvals from two institutions - the University of Western Ontario and the Six Nations Elected Council.

For the University of Western Ontario, the Non-Medical Research Ethics requirements, subject to the Research Councils of the Government of Canada, who administer the Tri-Council Policy Statement on Ethical Conduct for Research Involving Humans, was obtained under Approval file 108850 to start the research on 14 February

2017 with an end date of 14 February 2018. My written application for the SNPL research was approved at a monthly Six Nations Elected Council meeting on March 30, 2017. This approval is based on their protocol acknowledgement proforma approval GC#261/04/08/2014, effective April 15<sup>th</sup>, 2014.

The Six Nations Elected Council's final decision on the research application also identified mentorship at the site of the research (SNPL). It included the submission of an application of the proposed research and an appropriate reading list to the Six Nations Elected Council for approval at their monthly Council meeting. This reading list showed that I had knowledge of Indigenous issues, history, research methodologies, and ensured credibility in the approach I was taking to the research. The 'Six Nations Council Research Ethics Committee Protocol' protects the people of Six Nations from any detrimental effects of research. As such the Six Nations Elected Council has the authority to approve and monitor the research on the Six Nations of the Grand River Territory and thereby protect Indigenous Knowledge and to establish procedures and regulations for research. Should any of the participants have felt that their responses were personal or that they touched on any sensitive issues, it is expected that the full disclosure statement included in the consent agreement would mitigate this. It was important for me that the participants knew that they had full control over the interview process and that their confidentiality and anonymity was guaranteed and of paramount importance in this research process. I also stated clearly that the results of the research would be available to all participants either as their own copy or available at the SNPL. Planning of the fieldwork proceeded once the approvals had been issued.

My interpretation of the responses from individuals in this study is based on knowledge that belongs to each community member who participated in the case study (Brophey and Raptis, 2016: 238). Both the individuals and the Six Nations of the Grand River community own the responses that I collected during the case study. I use their responses with respect for their Indigenous world view, understanding that I do not have insight into how this knowledge is truly reflected in their world view. I also acknowledge that I need permission from the Six Nations Elected Council to re-use this information in any way except in my dissertation, which I respect. In this research process I have tried to express core ethical values of respect for human dignity – Respect for Persons, Concern for

Welfare, and Justice (Canadian Institutes of Health Research, Natural Sciences and Engineering Research Council of Canada, and Social Sciences and Humanities Research Council of Canada, 2010). I have also tried to express and respect the Indigenous peoples' protocols that protect the participants in this research for their safety, well-being, dignity, and rights (Bordens and Abbot, 2014: 195).

In keeping with ethical standards, at the beginning of each interview I asked SNPL and off-reserve participants, if they were willing to sign a consent form (approved by Western Ethics). I also asked participants if they would like me to read the letter of information and consent or if they would like to read the letter themselves. The letter included details about my research and indicated my supervisor, Professor Catherine Johnson. The letter also contained details about the interview procedures such as where, when and how long the interview would take. The semi-structured interview schedules for each group were also approved by Western ethics prior to me being given ethics approval and I used these questions to guide me through the various interviews (Appendix 6: Semi-Structured Interview Schedule).

No potential risks or harms were foreseen as a result of this research process. The Six Nations Elected Council research protocols protect against any possible adverse effects to the people of Six Nations of the Grand River. The University of Western Ontario also required additional mental health resources to be in place prior to approving the research. The letter of information and consent therefore reflects details of the Whitepines Wellness Centre at Ohsweken. Their health and wellness service details, their phone numbers and hours of operation. My SNPL research times coincided with these office hours.

It is important to emphasize that my approach in this research was to ensure that Indigenous knowledge was in no way challenged, but rather that I learned from the experience. Moreover, I ensured that I was knowledgeable about Indigenous rights prior to beginning the fieldwork so that I could refer to the UNDRIP, the Canadian Constitution and the Canadian Charter including section 35, acknowledging Aboriginal and Treaty Rights, the TRCC calls to action, and other literature and reports related to Indigenous histories, issues and Indigenous research methodologies (Smith, 2006; Wilson, 2008; Battiste, 2000). I began the case study at SNPL on 15 May 2017. Table 3 shows a timeline of the research activities.

**Table 3: Timeline of Research Activities**

<b>Research Activity</b>	<b>Date</b>
Proposal stage	Visited the Woodland Cultural Centre, Brantford, 2015.
Western Ethics Approval	Approval file 108850 to begin research on 14 February 2017 with an end date of 14 February 2018.
Six Nations Elected Council Research Approval	30 March, 2017
Interviews at SNPL	15, 16, 23, 24, 25 May, 2017
Interviews with Off-reserve participants	7 April; 12 April; 24 April; 12 May; 26 May; 6 June; 7 June to 9 August; 6 July; 19 July; 10 August; 2017; 10 July to 25 January, 2018 (multiple types of correspondence for the interview)
Presented first draft of dissertation including the research findings to the Six Nations Public Library Board	12 February, 2018

#### **4.3.4. Participant Recruitment**

Two sets of stakeholders were interviewed:

1. Six Nations patrons, management (Person-in-Charge (PIC) and staff), Board, community partners and trustees; and,
2. Stakeholders in the wider public library institutional community – organizations and associations in Ontario and Canada and public library intellectuals.

Participants were recruited using a purposive and convenience sampling strategy. Both the participant groups and the location of the case study site were sought out intentionally because they met criteria relevant to my study. I recruited representatives from library organizations and associations in Ontario initially through email or telephone calls and established the time and place for the interviews.

Participant recruitment for SNPL was carried out according to Six Nations of the Grand River Territory research approval. The CEO of SNPL assisted with the recruitment process at the Library for staff, patrons, Board members, trustees and community partners and a schedule was made up for interviewing over a two-week period. A recruitment poster was created by the CEO and staff and placed in public spaces at the library during the

research period. Patrons were informed of the research being undertaken by the librarians on duty throughout the research period. Patrons who were interested in being part of the study were directed to the SNPL Boardroom, where I was conducting the interviews. Social media was also used to recruit interested participants at Six Nations through the SNPL website.

#### **4.3.5. Data Collection**

Information and data were collected through semi-structured interviews and secondary sources to gather a “wide variety of information about the case in order to get a well-rounded multidimensional view” (Beck and Manuel, 2008: 90). Participants in the case study represent an Indigenous public library community embedded in an institutional context that is relevant to the study. This institutional context is defined by SNPL’s function as an Indigenous public library over time but also how this library institution is embedded at Six Nations of the Grand River, on-reserve as part of the broader politic of the Canadian state.

In addition, the provincial and federal library organizations and associations were relevant to the study because their mandates were articulated by representatives to reflect their perceptions of public library policies (Palys and Atchison, 2008). All participant views were important in supporting other scholarly and grey literature as well as filling a gap where the mandates, policies and findings did not adequately explain disparities (or relationships) that were previously identified in the literature reviewed.

Within each set of formal and informal institutions, groups and sub-groups of participants were interviewed and represented in the study. They are as follows:

1. The Six Nations Public Library, including a number of participating groups – the person-in-charge, staff, SNPL board members, trustees, SNPL community members and Friends of SNPL, and patrons;
2. Federal government departmental representatives were from Library and Archives Canada
3. Provincial government representatives were from the provincial department of library services;
4. National library association was represented by a member of the CFLA-FCAB;
5. Provincial library associations were represented by provincial and Ontario-based library stakeholders;



6. Interjurisdictional public library council representative for provincial and territorial public library interests; and
7. Public library intellectuals are participants in the research who are actively involved in public library development in Canada or in Ontario; have written reports, journal articles, or monographs on the subject; and who have made public press statements or presentations on public library issues. The public library intellectuals in this research had between 20 and 30 years of public library experience.

#### 4.3.5.1. Primary Sources

I had permission to audio-record most participants at SNPL and off-reserve. For those responses that were not audio-recorded I handwrote the responses with permission. In total 18 responses were handwritten reflecting eight from off-reserve stakeholders and 10 SNPL participants. The responses of the interviewed participants were coded to ensure anonymity and confidentiality to meet protocol and ethics standards prescribed by the Six Nations Elected Council and University of Western Ontario Ethics. SNPL participants and off-reserve participants were anonymized and coded (tables 4 and 5).

**Table 4: SNPL Participants**

SNPL Participants	Coding
Patrons	LPP1-19 (1 interview could not be used)
Person-in-Charge	LPIC1
Six Nations community partners	LCPP1-2
Library Board Participants	LBP 1-4
Library Trustees (Trustees and Friends)	LTP1 and LFBP1
Staff Members	LSP1-4

**Table 5: Off-Reserve Participants**

Off-reserve Participants	Coding
Ontario Library Association	OLAPA1
Federation of Ontario Public Libraries	OLAPB1
Ontario Library Services organization	OLSOP1-3 (1 interview was not used)
Ontario Provincial government	PLSIP1-2
Federal government representative from Library and Archives Canada	FCLAPI
Canadian library organization CFLA-FCAB	NLAP1
Inter-jurisdictional library association	PLA1
Public library intellectuals	PLIP1-3

According to Palys and Atchison (2008: 153) an open-ended conversational mode of interviewing is a technique that elicits a richer narrative through listening to, and conversing with, the respondent, which leads to further questions. I decided to use this type of interview questioning because I was interested in how each participant reflected on public libraries. In addition to this I was also interested in how participants made meaning of public library experiences in relation to library services being a right. To keep the interviewing as flexible as possible, I did not define the terms ‘human rights’ or ‘rights’ during the interviews because I wanted the responses to be the participants’ personal reflections on these concepts. I had also discovered through the literature review that ‘rights’ are relatively complex and that there is no single definition of rights. I also purposefully used the term ‘rights’ and not ‘human rights’ when I developed the research questions. The reason for this was that during the preliminary investigations into whether or not this research would be of interest to SNPL, human rights were considered inappropriate when I discussed this with Indigenous peoples because of the history of injustice.

A limitation of open-ended questioning according to Palys and Atchison (2008: 172), is that “the uniqueness of each person’s priorities, views, and means of expression can make it seem that you have as many different categories as you have respondents”. I therefore initially analysed the responses to the open-ended questions using a content coding scheme that was drawn from the literature review (Palys and Atchison, 2008). The content coding scheme consisted of main or first cycle coding (Miles, et al., 2014). My main or first cycle coding are the descriptors of my main categories that I used in NVIVO. They are also the themes I used later in the analysis of the findings: library governance, rights, library value and access to information (Miles, et al., 2014).

Prior to the interviews and for each stakeholder group that I interviewed, I developed interview schedules, which are the sets of questions I discussed with participants (Appendix 6, Semi-Structured Interview Schedules). I decided to use semi-structured question sets as guides to the topics that I wanted to cover with each stakeholder group and sub-group. These interview schedules are also part of the in-depth evidence of the case study, which gives the interviews its ontological bearings (Stake, 1995). While the main elements of the interview schedules were the same for each group, I also recognized that

each stakeholder group required a different focus on some points. For example, because SNPL stakeholders were embedded in the locational context of the study, the conversation would be about their experiences at SNPL in relation to their access to information. However, a main topic of interest was how all groups reflected on rights that directly affected their informational needs within this context.

An example of an off-reserve stakeholder group question was how a representative from an Ontario public library association would experience public libraries and therefore their perspective on rights would be different to that of a SNPL patron. The off-reserve stakeholders were representatives of their organizations and the mandates of their organizations would be reflected in their responses. Off-reserve stakeholders included both Indigenous and non-Indigenous participants.

#### **4.3.5.1.a. Six Nations Public Library Stakeholder In-depth Semi-Structured Interviews**

Six Nations Public Library was comprised of management including the PIC and staff; Six Nations Public Library board members; SNPL trustees and Friends of the Library; SNPL Community partners, and SNPL patrons. For the interviews, SNPL management provided bottles of water, which I offered to participants. I set up an informal, conversational style interaction as an ongoing question-and-answer dialogue between the respondent and myself. What I had learned from my readings on Indigenous research from a non-Indigenous viewpoint was useful in understanding my research experience (Brophey and Raptis, 2016; Hart, 2010; Hart, et al., 2017). Respectful listening, reciprocity and establishing a rapport, and an understanding of the social and political situation at Six Nations of the Grand River, was necessary.

I conducted all the SNPL interviews at the Library except one interview, when it was more convenient for the participant to be interviewed at another location. The interviews took place mostly in the boardroom on the upper floor of the SNPL and two interviews took place in a room on the lower floor of the library because of an accessibility issue or on one occasion when the boardroom was pre-booked prior to the scheduled interview times. The interviews varied in length from 10 minutes to 1.15 hours. The interviews with SNPL participants took place at the SNPL on May 15, 16, 23, 24, 25 from

10am-4.30pm. 32 interviews from SNPL were recorded. One SNPL patron did not want to be recorded in any way. All participants were over 18 years of age. A manager at a local Internet service provider was contacted for knowledge about the historical development of IT in Oshweken and at SNPL including fee structures and availability of broadband at the library. This was informational only and not a formal interview.

#### **4.3.5.1.b. Off-reserve Public Library Related Stakeholder In-depth Semi-Structured Interviews**

The majority of interviews with off-reserve participants were conducted face-to-face. However, four respondents were out of province and one respondent preferred to conduct the interview by email. Another First Nations participant had difficulties with technology and both email and telephone were not an option at certain times, so this interview was conducted by mail, with a later telephone follow-up. Representatives from the following library associations were interviewed:

- Library and Archives Canada (a federal government representative - 6 July 2017)
- Ministry of Tourism, Culture and Sport (provincial government representatives - 12 April 2017) Southern Ontario Library Association (SOLS) (representatives from a MTCS 'agency' - 24 April 2017)
- Ontario Library Services – North (representative from a MTCS 'agency' 26 May, 2017)
- Ontario Library Association (OLA) (a provincial library association representative - 7 April 2017) Federation of Ontario Public Libraries (FOPL) (a provincial library association representative - 12 May, 2017)
- Canadian Federation of Library Associations (a national library association representative - 19 July, 2017),
- Provincial and Territorial Library Directors Council (PTLDC) (an inter-jurisdictional library representative - 10 August, 2017).
- Public library intellectuals - 6 June 2017; 7 June to 9 August, 2017 (email); 10 July to 25 January 2018 (email, telephone, post).

In total, 13 off-reserve stakeholders participated in the research and one library organization participant withdrew permission for the interview to be used. An interview was undertaken with a northern service agency representative, but permission was not given to disclose any details about the interview or to use the data. Library service agencies in Ontario provide

an important service role in the development of public libraries. OLS-N represents the greater number of Ontario First Nations community libraries at 28 libraries while SOLS represents 18 First Nations libraries. These organizations were discussed with provincial officials prior to these interviews and as a result both service agencies are discussed in the findings. A total of 43 individual interviews were used in the analysis, comprising 31 participants from SNPL and 12 interviews from the off-reserve stakeholders. My personalized approach to conducting interviews resulted in a high participation rate with all identified stakeholders being interviewed over the course of the ethics approval period, which was 12 February 2017 to 12 February 2018.

I had anticipated interviewing a representative from INAC, as it was called at the time of the research, on public libraries for First Nations, Inuit and Métis but this was not possible because there is no department or contact person who deals specifically with public libraries. On following up through INAC's education and social planning, programs and partnership department, I was referred to the education department, which could provide a connection to libraries on First Nations reserves because the libraries are mostly located at schools and are therefore within the federal Education budget. However, I do consider finding out that there was no contact person or a policy relating specifically to Indigenous public libraries or access to information a significant finding at an early stage in the research process.

#### **4.3.5.2. Secondary Sources**

Secondary sources were used to explore and understand issues that were raised in the interviews and triangulated with the findings in the analysis. Secondary sources include the following, which are discussed below:

1. Legislation: Acts and their object and mandates. This includes the Canadian Constitution, Act, 1982; Indian Act, 1876 with amendments; Six Nations Elected Council Guiding Principles; UNDRIP; UDHR; ICCPR; ICESCR; Ontario Public Library Act, 1990
2. Indigenous and Northern Affairs Canada (INAC) reports and statistics.
3. Commissioned Federal and Provincial and Inter-jurisdictional Government Public Library Reports.
4. Statistics from the Ministry of Tourism, Culture and Sport (MTCS).
5. Six Nations Public Library Documents.

## 1. Legislation

The Ontario Public Library Act, 1990: which governs the public library service as a legal institutional service in civil society for establishing library boards, funding and administering public libraries, includes First Nations public libraries (Ontario, 1990).

Constitution Act, 1982 and section 35 (1) that states: ‘Existing Aboriginal and treaty rights of Aboriginal peoples of Canada hereby recognized and affirmed’.

Indian Act, 1876 with amendments: Indian Act, Section 88 of the Indian Act describes the legal right of ‘General Provincial Laws Applicable to Indians’ as “Subject to the terms of any treaty and any other Act of Parliament, all laws of general application from time to time in force in any province are applicable to and in respect of Indians in the province, except to the extent that those laws are inconsistent with this Act or the First Nations Fiscal Management Act, or with any order, rule, regulation or law of a band made under those Acts, and except to the extent that those provincial laws make provision for any matter for which provision is made by or under those Acts. In addition to the Indian Act, the service charter under which was under INAC at the time of the research operated under a triple mandate to support Canada's Aboriginal peoples and Northerners in the pursuit of healthy and sustainable communities and broader economic and social development objectives (Canada, 2018). However, it was INAC's wide mandate that enabled two main foci within and outside of the Indian Act, as follows: 1. It enabled INAC to work with First Nations to implement legislation that is designed to provide jurisdictional powers outside of the Indian Act by enabling modern treaties and self-government agreements. INAC was also responsible for implementing the obligations and processes involved in these agreements in collaboration with other noted government departments. INAC was also responsible for housing, community infrastructure and social support to Status Indians on reserves, administer land management of the Indian Act and execute regulatory duties under the Indian Act. The Indian Act is therefore a prominent piece of legislation with regards to community infrastructure and social support. This original INAC mandate changed to Indigenous services and Indigenous Crown relations to better administer services and treaty relations.

The Six Nations Elected Council Guiding Principles are also used as a source for understanding rights at SNPL. Additional international law is used in the analysis that pertains to the literature reviewed such as the UNDRIP, UDHR, ICCPR, ICESCR.

## 2. Indigenous and Northern Affairs Canada (INAC) reports and statistics

Government databases were explored to understand the broader government information on First Nations, Métis and Inuit in Canada. For example, broadband details and other facilities ‘on reserve’ show infrastructural details up to 2013, which had limited value because technology has changed, and the information is out of date (Canada, 2013). But more importantly, further investigation was not possible without meeting protocol agreements to do research on informational access for each on-reserve First Nations Public Library or cultural institutes that may be available to local communities. This information is only available from the First Nations, Métis or Inuit communities themselves, and I would require ethics approval from each First Nations, Inuit or Métis Council (either Hereditary and/or Elected Councils) to gain access. INAC (as it was called during the research period) does not store third party’ information for reserves<sup>30</sup> and they do not have statistics that could be used in this research related to facilities on reserves. In addition, the report ‘Sound Practices in Library Services to Aboriginal Peoples: Integrating Relationships, Resources and Realities’ (Aboriginal Library Services Working Group and Mary Cavanagh, 2009) confirms that library services for Indigenous peoples are different for different communities across Canada. I decided that the logistics of obtaining this information were not feasible in the context of this dissertation.

## 3. Commissioned Federal and Provincial and Inter-jurisdictional Government Public Library Reports

A number of reports were used as secondary sources and include but are not limited to:

- a. ‘Expert Panel Report on The Future Now: Canada’s Libraries, Archives and Public Memory’ (Demers et al., 2014),
- b. ‘National Vales Profile of Canadian Libraries’ (Schrader and Brundin, 2012),

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<sup>30</sup> This information is based on informal email exchanges with INAC.

- c. 'Sound Practices in Library Services to Aboriginal Peoples: Integrating Relationships, Resources and Realities' (Aboriginal Library Services Working Group and Mary Cavanagh, 2009)
- d. Ontario Culture Strategy by the Ministry of Tourism, Culture and Sport (Ontario, 2016)
- e. 'Third Generation Public Libraries: Visionary Thinking and Service Development in Public Libraries (to 2020) and Potential Application in Ontario' (Newman, 2011)
- f. The Ontario First Nations Public Library Strategic Plan Liaison Committee (OFNPLSPLC, 2004), *Strategic Plan First Nations Public Libraries: Our Way Forward* was an important document for contextualizing First Nations public libraries in Ontario.
- g. 'Public Libraries in the Priorities for Canada: Acting on the Assets and Opportunities' (Newman, 2004) for the inter-jurisdictional Provincial/Territorial Public Library Council,
- h. 'Aboriginal Affairs and Northern Development' and 'Indigenous and Northern Affairs' for information on social and economic development;
- i. Canadian Heritage and Library and Archives Canada reports related to libraries, public libraries, culture or freedom of expression and human rights;

#### 4. Statistics from the Ministry of Tourism, Culture and Sport (MTCS)

Ontario statistics for public libraries were useful for a comprehensive overview of public library development from 1999-2016 (Ontario, 1990; 2016a). The statistics are available for public use and they reflect a wide range of library information on Internet connectivity, workstations, computer software and hardware, training, capital investments in ICTs, and funding sources for future investment in ICT, funding support through the Provincial Library Operating Grant (PLOG) for example. A history of the pay equity grant received by some libraries (excluding First Nations), and a First Nations Pay Equity Grant for participating First Nations libraries as a salary supplement provided a perspective on differences between library types. Ontario public libraries that receive provincial funding are included in these provincial statistics. First Nations public libraries in Ontario who have not applied for a provincial ministerial grant or salary supplement are not represented in the provincial library statistics.



## 5. Six Nations Public Library Documents

Six Nations Public library documents include publicly available strategy documents (Saunders, 2012). I also used the SNPL digital archive for more information about the history of SNPL. I also read some Six Nations library documents while at SNPL.

### **4.3.6. Case Study Analysis**

Qualitative research, according to Palys and Atchison (2008: 308), is iterative, “at both the data gathering and data analysis stages”. Throughout the research process, I referred to previous sources reviewed for additional information and also followed up on new information leads. For example, I felt that reading the poetry of Pauline Johnson would be an important source as her works were mentioned by participants at SNPL. I also listened to stories by ‘Six Nations Writers’ for further insight after being given a copy of the CD by a Six Nations writer and poet.

#### **4.3.6.1. Data Analysis Technique**

I used pattern-making logic to analyze the responses from the case study, which is elaborated on below.

##### **4.3.6.1.1. Pattern-making Logic**

Pattern-making is a data analysis technique, which is similar to categorization. Categorization is a technique used in human rights research methodology to determine patterns in multiple interviews. The interviews are then analyzed and evaluated, and the patterns are then related to specific rights that are being investigated (Walling and Waltz, 2011). In pattern-making the logic is based on cycles of coding. First cycle coding outlines the main categories of interest, which are based on pre-defined categories. Second cycle coding determines patterns (Miles, et al., 2014). I therefore used pre-defined categories (first cycle coding) that were compiled during data collection and the development of the

semi-structured interview schedules. They are library governance, rights, library value and access to information which are now discussed.

a. Library Governance: This theme conceptualizes the function of public libraries as it relates to the longer-term function and history of the library. It also related to daily library procedures and activities that affect library development (Osburn, 2009; Buschman, 2007; Jaeger, et al., 2013; Saunders, 2012). This theme explores the manner in which Indigenous public libraries are integrated into their community and society through various institutions, and how the mandates of various organizations affect Indigenous public libraries. A number of sub-themes define library governance, including Board governance and the relationship to other Councils and the community. Another relationship sub-theme is the Six Nations Elected Council, and the federal and provincial relationship, which embeds Indigenous public libraries in both a broader governance and a funding structure of formal and informal organizations (Hill, 2017; SNEC, 2013; 2015; Borrows, 2016). Indigenous cultural integrity and the library as a cultural space draw on questions of Indigenous public library history. It also explores the concept of culture as well as the questions about the definition of Indigenous and non-Indigenous culture (Kovach, 2009). A final sub-theme under library governance asks about the future plans of the SNPL and draws topics such as partnerships, trusteeships, local, federal and provincial relationships.

Other factors that affect the efficient operation of the library were also considered. For example, the location and the centrality of the library in comparison to other social and public services on-reserve. Library organizations and associations also further define the function of government ministries and their departments in promoting public libraries at different levels of government, the role of inter-jurisdictional organizations in library development, funding histories and key library issues (Demers, et al., 2014; Newman, 2004, 2011; DeYoung, 2014). Library associations and their role in advocating for libraries were therefore part of this theme.

b. Rights: Four sub-themes were developed in this theme - equality of resources; justice and social justice; recognition; the right to access information at a public library including the right to access the Internet (Tomalty, 2017; Mathiesen, 2013, 2015; Sen, 2009;

Borrows, 2016). The sub-themes, equality of resources, justice and social justice, were concepts that were used to describe fairness in the distribution of resources and therefore what affects access to information at the public library. Responses under this theme could refer to possible disparities in informational infrastructure, in the power dynamics between different levels of government regarding these resources, or how resources affect well-being (Raseroka, 2006; Ermine, 2007; Ó Siochrú, 2010; Jaeger, et al., 2015). The provisions in declarations, conventions, guiding principles, ethical statements and strategies emphasise what are valuable and often fundamental human rights. For example, social, economic and cultural rights and how these are interpreted by the public library community could be reflected in off-reserve responses.

The sub-theme ‘recognition’ reflects how different library organizations and partners on- and off-reserve recognize and value the role the library plays in society. How off-reserve stakeholders perceive First Nations public libraries and human rights was also part of this theme (Manuel and Derrickson, 2017).

The sub-theme, ‘right to a public library’ including the ‘right to the Internet’, constitutes a human right to access information at a public library. Questions related to the appropriateness of a human right approach to the research question reflects the relevance of this theme (Albarillo, 2010; Edwards, 2010; Poppeliers, 2010; Mathiesen, 2013; Birdsall, 2008). In addition, rights that this government promotes, including free services, universality and affordability were also reflected in this sub-theme (Brannon, et al., 2016; CIW, 2012; 2014; 2016; Canada, 2015).

c. Library value: This theme reflects the value that individuals and the community place on the library. When the SNPL community use or participate in their library they express this as a value. This is either a personal or a community value because of the functional (or institutional) role the library has in the community. The library therefore provides choices (or not) for access to information for individuals or the community. This provides an important perspective on individual and community well-being in relation to how the library affords opportunities. I use the idea of value from Sen (1997; 2009) who suggests that when something has value then it has meaning and therefore has the potential to contribute positively to one’s life and contribute to well-being. I contend that when the

library has value and meaning for either individuals or a community that this reflects their substantive freedoms (Vizard, 2006). Osburn (2009) describes library value through the concept of a social transcript, where the function of the library is passed on through history yet evolves over time by reflecting societal values.

d. Access to information: This theme reflects how public libraries function (their physical aspect) through the opportunities they offer. For example, libraries are a place for skills development, including digital skills and using the Internet, which refers to their intellectual aspect. Libraries are also places for appreciating socio-cultural aspects such as collections, programmes and activities. The library function can also be described through the rights that support this function. Access to information therefore affects the SNPL library community (Thompson, et al, 2014; Thompson and Afzal, 2011). In the findings 'Access to Information' is sub-divided into two main themes related to physical and digital resources. Access to information is related to all the other themes because it reflects the actual way the library and information is used by individuals and community partners at SNPL.

#### **4.3.6.1.3. Theoretical Framework**

In line with a qualitative research methodology, the main findings from the case study analysis were assessed by evaluating the adapted capability framework that I developed in Chapter 3 (Palys and Atchison, 2008; Yin, 2014; Maxwell, 2012). A theoretical framework is similar to a congruence method of data analysis, which establishes patterns between a predicted framework (or model) and establishes internal validity of the case study (Yin, 2014). As an analytic tool, a theoretical framework can be used to guide the analysis of findings from primary interviews and secondary sources, and to match (or not match) this triangulated data to theoretically predicted outcomes. According to Palys and Atchison (2008: 316-317), qualitative research shares this underlying logic with experimental and quasi-experimental approaches to offer an account of all known instances and non-instances of the phenomenon under study.

Vizard (2006) uses a broad capability space as a framework, which focuses on international human rights and jurisprudence to assess global poverty as a violation or denial of human rights, and specifically draws on Sen's (1997, 1999, 2004) ethical work on the sub-class of fundamental freedoms and human rights. The framework I use is an adapted version of Sen (1997, 2004, 2009) and Vizard's (2006) capability approach as described in Chapter 3. In Chapter 6, I evaluate the adapted capability approach framework using the key findings from the case study analysis to test the framework.

#### 4.3.7. Establishing Validity

To establish validity in this qualitative case study method I constructed an explanation for the relationships that I deduce from the findings. I follow Palys and Atchison (2008) description of a *modus operandi* method to identify the underlying logic of an association between variables that I identify in the analysis. This method is based on prior knowledge of the case study context, which I had developed from the literature reviewed and the preliminary research leading up to the case study. I had also researched the organizational mandates of the institutions that I would include in the study to understand how and where they fit in the general institutional structure of Indigenous public libraries. I had prior knowledge of the rights that would be relevant to the core argument so that I could draw on their provisions.

From my experience as a librarian, I understand the role that the public library plays in society and reflected on this during the interviewing sessions. My library experiences are from a personal and professional interest I have in libraries from visiting them in many different countries and reflecting on their value as a public good. I also drew on non-Indigenous and Indigenous research methodologies to understand the research process and content of the case study. In this way, I began to establish internal validity of the research by systematically generating and considering rival possible explanations as logically as possible<sup>31</sup> “to test the hypothesis that it was designed to test” (Bordens and Abbott, 2014:

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<sup>31</sup> “The *modus operandi* of a particular cause is an associated configuration of events, processes, or properties, usually in time sequence, which can often be described as the characteristic causal chain... connecting the cause with effect” (Palys and Atchison, 2008 paraphrasing Scriven (1976: 105)).

111). In this case study, the results of the study cannot be extended beyond the context of SNPL because this context is unique to this community (Bordens and Abbott, 2014).

I also reflect on the findings ethically by being cognizant of the context of the study being a particular Indigenous public library. I also respected the fact that the research process had additional protocols that are in place and which are part of a comprehensive and ethically-validated research process. In addition to this, the content of this research was unique to the research question and objectives under discussion. To establish validity, I triangulated secondary sources of information with the responses. This therefore ensured a consistency as a type of analytic control by drawing on related data and information to provide an explanation giving the case study analysis validity (Palys and Atchison, 2008).

I sought out an alternative validity in qualitative research, which also captures internal and external validity through dependability, trustworthiness, transferability, credibility, and confirmability, reliability and objectivity (Maxwell, 2012). Like internal, external, predictive or ecological validity, these alternative validities are also social in orientation. This dissertation falls into this alternative category by establishing validity in terms of trustworthiness (Lincoln and Guba, 1985) based on credibility, transferability, dependability and confirmability. Responsibility is a characteristic of research with Indigenous communities. I pursued this to establish validity through respect for the protocols in place and also by conducting this research with the best intentions of reasoning through my own and the perspectives of others who are involved in undertaking research in Indigenous communities (Brophey and Raptis, 2016).

#### **4.3.8. Limitations of the Study**

This case study focuses on one First Nations public library in Ontario. While Ontario has the highest number of First Nations public libraries, the case study is instructive but is not generalizable beyond SNPL because the library case is context-specific. However, the international and national rights and legislation can be used in other similar public library contexts for Indigenous and non-Indigenous libraries. A further limitation is the general lack of information about Indigenous public libraries in Canada or Ontario.

#### **4.4. Conclusions**

The broad research question asks how do rights affect Indigenous public library development in relation to access to information for individuals and communities. In this chapter I reflected on my own positionality as a new Canadian and non-Indigenous scholar and outlined my perspectives inherent in this position. I also outlined the ethics approvals obtained from University of Western Ontario and from the Six Nations Elected Council, the consent protocol and procedure used throughout the study, as well as the overall research design and plan of analysis. SNPL is located in a complex set of conditions that span history, institutional and geographic scale and provides the context for a case study. I describe and justify the use of my qualitative case study methodology as an appropriate approach to understanding, at least in part, the complexity of the apparent inequalities in access to information on-reserve (Yin, 2014). Through semi-structured interviews at the SNPL and with off-reserve library-related stakeholders, this case study provides a way to evaluate information-related rights and how they support the informational role of the Six Nations Public Library community. Using data analysis techniques that draw on primary source interviews and secondary sources, as well as an adapted capability approach framework, validity is established. The dissertation now turns to an analysis of the findings from the case study.

## CHAPTER 5: ANALYSIS OF THE FINDINGS

You're in your space, I don't know what it is, but it was here, not so much at school, you just get this comfort and you get attached to it and it's this nice quiet space.

*Six Nations Public Library Interview Participant*

### 5.1. Introduction

In this chapter, I present, analyse and discuss the findings of the case study. As a key participant in this research process, I interviewed participants to understand their multiple meanings of the public library and how rights may play a part in this. To do this, I interviewed SNPL participants and off-reserve participants. The questionnaire for the open-ended interviewing was developed from a review of library literature to help answer the research question. I then interpreted the responses from the groups and sub-groups who participated in the interviews and categorized this data into main themes and sub-themes using NVIVO software and inductive reasoning. The outcome was four main themes: library governance, rights, library value, and access to information. I then analyzed these themes further by reflecting on the meanings of the participant responses within the contexts of the literature reviewed and secondary sources. I use pattern-making logic as the data analysis technique. An outcome of this analytic process was a number of findings on library governance in relation to institutions, funding and culture; that legal or formal rights are only minimally reflected in library discussions but that informal rights are valued by the SNPL community; and that access to library collections and the Internet is an important part of SNPL activities and an individual and community value. After an analysis of the main patterns, I discuss the key findings and conclude the chapter.

### 5.2. Introduction to the Data Analysis

This section introduces the analysis of the main patterns that I identified from the interviews at SNPL and with off-reserve stakeholders through a brief discussion on how I categorized the interview data. This is followed by a discussion on pattern recognition within the themes



for both the SNPL community stakeholders and off-reserve stakeholders. Using an analysis of these patterns, I then discuss the key findings.

### **5.2.1. Categorizing the Interview Data**

I used NVIVO software to organize the participant responses from the interviews with SNPL stakeholders and off-reserve stakeholders, which are the two main groups participating in the research. Using inductive reasoning, I categorized the interview data (or references in NVIVO) into the main themes of library governance, rights, library value and access to information to reflect on the topics that were discussed during the interviews with both groups of participants and to analyze the patterns that were beginning to emerge. In organizing the analysis, I conceptualized the themes and sub-themes as patterns in the responses to my research question. I decided to categorize the responses from the two groups of participants separately so that I could understand how the SNPL community participants made meaning of the library and rights and how off-reserve participants reflected on the main themes. This process led to the categorization of 718 references (responses) into pre-defined nodes (themes). This included 560 references from SNPL participants and 158 references from off-reserve participants.

The conceptualization of the coding of the semi-structured question sets was completed during the data collection stage and was based on the related literature, which I had reviewed. According to Miles, et al. (2014), this is a type of provisional coding or a start list and I therefore decided to use these same themed nodes as a content coding scheme (I would use the same codes in the data analysis). To organize the interview responses, I assessed each response to determine how it reflected a particular theme. Patterns were beginning to develop in this early stage of the coding of the main themes and as a result I developed sub-themes, which is deductive reasoning and a type of analysis (Miles, et al., 2014). In this process, one theme was changed: library function became library governance because many of the responses were broader than how the library functions and there is also a fine distinction between library function (a longer-term definition) and library purpose with respect to how the library operates in its daily procedures.

In categorizing the transcribed interviews, it became evident that within and across the groups and sub-groups of participants there were recurring issues and that patterns were beginning to emerge (Cresswell and Cresswell, 2018). In order to help verify these emerging findings, I recruited a colleague to review 25 random and anonymized responses to determine whether or not my coding was accurate. This review reflected a 74% convergence, in which there was agreement in the categories and the responses.

The output from NVIVO resulted in a list of responses categorized around the themes and sub-themes reflecting the main and sub-groups: SNPL sub-groups and off reserve stakeholders. Using pattern-making logic in the context of the literature and secondary sources of information, I then analysed these participant responses within the themes and sub-themes and the inter-relationships between topics and issues that emerged in the findings.

### **5.3. Recognition of Patterns in Themes**

The semi-structured interview schedules were organized into six different types of questions to reflect the two main groups of participants. I developed six interview schedules, as follows: for SNPL: (1) Person in Charge (PIC); (2) staff; (3) library board, community partners and trustees; (4) SNPL patrons (on-reserve stakeholders); and for key participants in (5) government organizations; and (6) library associations and public library intellectual (off-reserve stakeholders).

The SNPL PIC questions referred to policy and rights; the institutions that are involved with SNPL; trends and history of funding; library management and management models; infrastructure plans such as broadband and capital investments, and public expectations and general questions about the future of SNPL. To broaden the questions discussed with the PIC, I focused the questions for the SNPL board, community partners and trustees on their role in the library and the community; on how rights related to their role and questions on expectations and barriers to their engagement with the SNPL community. In contrast to these questions on the broader library function, I developed SNPL staff questions that focused on rights but also on questions about the daily activities at the library, including the use of the Internet in managing the library and services that

were offered. Since the SNPL patrons were directly benefitting from the library as a place for information, their questioning referred to rights that influence their use of the library; how the Internet or library reflected their interests and their general use of the library.

The interview schedule for the Ontario provincial government officials was similar to the SNPL PIC questions on public policy and legislation; institutional arrangements with libraries for public library services; broadband development and infrastructural trends; funding mechanisms; trends in First Nations funding and governance of public libraries; and public expectations to reflect broader public library questions. The interview schedule for library organizations reflected questions about rights and the frameworks that guide their library-related activities; the institutions' involvement in policy making; the development of libraries and how the associations engage with other similar organizations; and developing trends.

#### **5.4. Analysis of Patterns and Findings**

I now analyze the general patterns for the two main groups of participants. This analysis of the patterns for on-reserve and off-reserve participants is carried out in relation to the main themes – library governance, rights, library value and access to information – in the context of secondary documents and the literature reviewed. This analysis of the findings provides the foundation for answering this dissertation's research question and objectives.

##### **5.4.1. Analysis of Library Governance Patterns**

The library governance theme had the highest number of responses in comparison to other themes, including rights, library value and access to information. I therefore regarded this as significant. The highest category of responses in this theme was from SNPL board members (33); although SNPL library trustees (26) and the SNPL person in charge (26) were also active participants in the conversation about library governance. These groups have the most knowledge about the social, economic, cultural, technological and political role of the library, which reflects the high number of their responses. The library governance theme not only reflects SNPL, local, federal and provincial institutions, but it

also highlights particular issues in relation to this relationship. In this regard, patterns began to emerge from discussion with SNPL participants in the interviews, showing an inter-relationship between various governance institutions, funding and culture (Table 6 shows the library governance patterns from the responses).

**Table 6: Patterns in Library Governance**

SNPL participants n=31	Responses by SNPL participants						
Library Governance Patterns	Responses - total	PIC responses	Staff responses	Board responses	Community partners	Trustee responses	Patrons responses
Six Nations and SNPL	23	1	2	11	2	0	7
SNPL Board	19	1	2	10	0	6	0
SNPL, Haudenosaunee Hereditary Council and Six Nations Elected Council	6	2	0	4	0	0	0
SNPL Funding	35	14	2	4	1	11	3
SNPL, Elected Council, Provincial and Federal Government	11	4	0	0	0	6	1
SNPL and Culture	9	3	0	3	1	1	1
Looking Forward	9	1	0	1	0	2	5
Total	112	26	6	33	4	26	17

Off-reserve stakeholder library organizations and association participants elicited 135 responses regarding library governance, which was the highest number of responses from all off-reserve categories, with access to information having the second highest number of responses. Off-reserve library governance responses reflect how public libraries function and are funded or reflect respondents' views on historical and contemporary library issues in general.

### **5.4.1.1. Pattern: Library Governance and Institutional Relationships**

#### **5.4.1.1.1. SNPL's Integral Relationships in Library Governance for Rights and Access to Information**

Based on the responses, the findings demonstrate that within the library governance theme SNPL was part of an integral set of relationships between a number of institutions, which influence the library and how it functions. This was a major part of the discussion during the SNPL interviews. These relationships are reflected in discussions between the SNPL Board about the Six Nations of the Grand River and SNPL; the SNPL Board and the Haudenosaunee Hereditary Council; SNPL Board and Six Nations Elected Council; SNPL and Six Nations Elected Council and Provincial and Federal Government. The relationship responses comprise a total of 59 out of 112 responses (Table 6: Findings: Library Governance). These relationships were considered to be of importance in discussions about the role of the library at Ohsweken in relation to the experiences of the SNPL community and their interpretation of access to information and rights at SNPL.

SNPL has been through some challenging times since its founding in 1966. However, a change in management over the past 10 years under the direction of a strong library board and CEO, has embedded SNPL firmly in the community at Ohsweken. This is reflected in the Six Nations Public Library Strategic Plan (2012-2020), which highlights advocacy and promotion, funding and staffing plans, plans for a new facility, growing services to include online resources, creating a comprehensive collection plan that also builds on rare and archival collections, local history, and research collections. The SNPL strategy also includes plans to promote the importance and value of the library to the community, Chiefs and Councils, First Nations leadership organizations and federal and provincial funders (Saunders, 2012).

SNPL has an independent library board, which is considered unique in First Nations public libraries in Ontario because libraries generally have a guiding board managed by the local Elected Council who are often directly involved in the running of the library (LPIC1). Although the SNPL is governed by the Six Nations Public Library Board, the Six Nations Elected Council has a peripheral role in its development and has continued to fund the library and provide access to the physical building since the library was first opened in

1968. Some of the discussion with the Board was explanatory about their role at SNPL and the role of the CEO and their relationship with Library management. The responses in this category represent 19 out of 112 responses, the second highest number of responses (See Table 6: Library Governance above). SNPL is also a freestanding First Nations public library in comparison to other First Nations public libraries, which are often located in community centres or schools, according to a participant (OLSOP2).

The relationship between the SNPL and Six Nations Elected Council was mentioned by the PIC and the Board (6 out of 112) (see Table 6: Library Governance). The governance structure of Six Nations of the Grand River was described by several participants as having one Elected Chief and one Haudenosaunee Hereditary Council Chief. The Elected Council “is divided into six districts within the reserve geographically and each district has two Councillors. This means there are 12 Councillors who change every few years” (LBP2). It was confirmed that the Elected Chief and Councillor elections are every three years at Six Nations (LBP1). Further, a library board member remarked that “the Elected Council operates like a City Council with responsibility for public works and social services. The Chief is like the mayor in a municipal system” (LBP4).

SNPL is not governed by the Six Nations Elected Council, therefore the independence of the SNPL Board in making decisions is similar to that of municipal, non-Indigenous public libraries. At SNPL, an Elected Councillor sits on the Board as a Board member rather than as a representative of the Elected Council (or in the municipal system, as a representative of the municipality) (LPIC1, LBP1).

Discussions with Board members, management, community partners, and trustees on the establishment of the SNPL Board shows how provincial policy is adapted to operate and manage SNPL. For example, it was generally agreed that the SNPL Board would follow the Public Library Act, 1990, and work with provincial policies. Reflecting on this, a participant noted that it was more of a common-sense approach to managing the library and then gave an example of how policy directly affected SNPL employees. It was explained to me that the SNPL is an employer under the Ontario Standards Act but that “everybody else in the community and Council are a federal employer under the federal labour code” (LPICP1). It was also pointed out to me that SNPL accepts and recognizes all of the required provincial legislation for public libraries (LPICP1). The Ontario Public

Library Act, 1990, includes First Nations public libraries. This Act governs the public library service as a legal institutional service in civil society for establishing library boards, funding and administering public libraries (Ontario, 1990; Ontario, 2017). As an SNPL board participant (LBP1) explained, Six Nations Public Library meets “all the qualifications of a public library and it’s a public library that happens to be situated on Six Nations territory”.

The new Ontario Culture Strategy, under the Ministry of Tourism, Culture and Sport (MTCS), states that “265 public libraries and 45 First Nations ‘public’ libraries serve over 99 per cent of Ontario’s population through service organizations – Southern Ontario Library Service and Ontario Library Service – North” (Ontario, 2016: 19). In Ontario, provincial legislation assigns responsibility for public libraries to the Minister of Tourism, Culture and Sport (MTCS) and the director within the department or division relevant to public libraries<sup>32</sup>. The MTCS reports on First Nations library statistics, which are distinct from provincial libraries (Ontario, 2016). The Public Library Act, 1990 is specific to municipalities but also to ‘Indian Bands’ (a reference to the federal Indian Act). The provinces or territories have jurisdiction and a responsibility for public library services in Canada and all provincial public libraries in Canada are legislated under a Public Library Act (Stenstrom, 2012). Public libraries are ‘special library boards’ in Ontario under this Act (Ontario, 1990).

The federal system in Canada implies that policies related to the Library Act in provincial and territorial jurisdictions are different and fall under different ministries across Canada. In southern Ontario, for example, SOLS work with the MTCS in providing services to public libraries including SNPL. They provide inter-library loan resource sharing for public libraries; licencing of digital content; and training for library leadership and librarian assistants<sup>33</sup>. However, there is a history of funding for these services being

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<sup>32</sup> Currently, public libraries are located within the Ministry of Tourism, Culture and Sport. The Culture division under the Director of the Culture and Strategic Policy Branch has a broad set of responsibilities. Their Programs and Services Branch and Culture Policy Unit include officers who provide administrative duties for public libraries. For example, administering grants, while the detailed work of supporting library services is delegated to the two library service entities – Southern Ontario Library Service and Ontario Library Service North (Stenstrom, 2014).

<sup>33</sup> They also have face-to-face (F2F) workshops for First Nations librarians and success is varied. However, for First Nations SOLS pays for travel, hotel and the courses are free. OLS-N is the northern service organization for Ontario. SOLS and OLS-N are also involved in the hosting of the First Nations Conferences, such as The Spring Gathering. Both SOLS and OLS-N work with a shared Integrated library system (Joint

stopped or discontinued and that wireless, Internet and workstations were part of education and schools but not necessarily for libraries according to provincial officials who participated in the research (PLSIP1&2).

In addition to following provincial guidelines, SNPL also follow the Federation of Public Libraries (FOPL) guidelines and all the guidelines of the Ontario Library Association. SNPL is also accredited by the Ontario Library Services - only one of three First Nations libraries in Ontario with this accreditation (OPLGMAC, 2012). According to an SNPL trustee this ensures that SNPL functions as a public library and not just as a building that holds books (LTP1).

There are a number of important support groups associated with SNPL. Trustees of the Six Nations Public Library ensure that the library is functioning in accordance with SNPL policies and procedures. They also ensure that SNPL is meeting the requirements of the Six Nations of the Grand River community. As community representatives, trustees are sanctioned by the Six Nations Elected Council but not appointed by them. As an SNPL library trustee stated, “we operate a little bit differently from other public libraries. We still follow the public library guidelines it’s just that because we are First Nations we aren’t paid by the Six Nations Elected Council” (LTP1).

The Friends of the SNPL (trustees) are also a supportive body for fundraising (for example, through galas and banquets) for specific projects such as the new SNPL library building. GoodMinds, an Indigenous book retailer, established the Supporting Aboriginal Libraries Today (SALT) fund, which provides support to the SNPL to help fund the new SNPL library. The history of the fund was explained as follows by an SNPL trustee: “Six Nations is hoping to build a brand-new library and desperately needs a new library, so the Friends of Six Nations Public Library and the SALT fund started because of that initiative to try and help them out” (LFBP1). This Fund was later expanded to support other Indigenous libraries. A number of participants appreciated the need for a new building and the fundraising for this and they also acknowledged the positive role the current library was

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Automation Service) which is province wide and part of the Dynix cloud system. Their other technologies are their Library Management System and inter-library loan which is managed by the OCLC for SOLS including First Nations libraries. SOLS also employ First Nations consultants who work with Indigenous community librarians.



playing in the community. Off-reserve participants did not remark on how SNPL functions but most of these participants knew about SNPL. It may be that the library is well known because, as Monture (2014) and others note, the Haudenosaunee have been recorded in epics, traditions and customs reflecting their ethics, principles and values in constitutions and historical and contemporary treaties and ensuing discourse (SNEC, 2013; Hill, 2017; Simpson, 2008; Coleman and McCarthy, 2013).

#### **5.4.1.1.2. SNPL and the Haudenosaunee Hereditary Council of Six Nations of the Grand River Territory Relationship and the Six Nations Elected Council**

The Haudenosaunee Hereditary Council of Six Nations of the Grand River Territory was mentioned by participants at SNPL in relation to Haudenosaunee governance (Table 6: Library Governance). According to Monture (2014: 221):

...although the Six Nations community's understandings of traditional governance structures and its implications for land rights and economic development are often conflicting, we continue to remain united in our refusal to acquiesce to the federal and provincial governments' attempts to dictate the terms of our political existence.

Interpreting the outcome of the patterns on library governance within this context, it appeared evident that SNPL and its services and programs are promoted across all political lines. Both the Haudenosaunee Hereditary Council and the Six Nations Elected Council were mentioned in the SNPL interviews. For example, a library board member commented that “the Traditional way restricts the exposure to non-native institutions saying that ‘they don’t need that’ and it is the elders especially who say this (LBP4)”. A patron noted however, that the young are up on technology and force them [the Elders] to get involved (LPP4). Another library patron referred to the old-fashioned attitude of Six Nations and its old-world charm that were somewhat inconvenient in a modern world, concluding that “I don’t see why we can’t progress at the same time as well as hold on to what it means to be Haudenosaunee. I don’t see why we can’t be who we are and still live in the 21st century. I don’t see why some people find it difficult” (LPP11). The SNPL Board are aware of the sovereignty of Six Nations of the Grand River, which is discussed at a Board level and they deliberate on their own interpretations of provincial policies for their and other First Nations libraries.

In the Six Nations Elected Council guiding principles, the Six Nations of the Grand River are currently involved in discussions on their treaty rights with the federal government (SNEC, 2015). The Six Nations Elected Council states that “The Crown has failed in their fiduciary duty to Six Nations of the Grand River, which has resulted in land disputes that harm business, resources and hinders economic opportunities. This has caused frustration for developers, municipalities, communities, as well as the peoples of Six Nations of the Grand River” (SNEC, 2013; Hill, 2015). The outcome of these discussions will have a direct effect on the well-being of Six Nations of the Grand River and by extension, the SNPL especially with regards to funds being directed to Six Nations of the Grand River (Simpson, 2014; Macklem and Sanderson, 2016; Dickson, 2015; Monture, 2014; Hill, 2017). This discussion on the sovereignty of Aboriginal peoples in Canada and federal and provincial relationship led to an investigation into this relationship and how the federal government perceived Indigenous public libraries (and in effect SNPL). This is elaborated on below.

#### **5.4.1.1.3. SNPL and the Federal and Provincial Relationship**

I had assumed that the federal government would be the institutional location for Indigenous public libraries because Indigenous and Northern Affairs Canada<sup>34</sup> (INAC) was mandated by the Constitution, 1982, the Department of Indian Affairs and Northern Development Act, 1985 and the Indian Act, 1876, to manage Indigenous affairs through its service charter (Canada, 2018). The ‘enabling instrument’ within the federal administration was through INAC (now called Indigenous Services and Indigenous Crown Relations)

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<sup>34</sup> The service charter under which the AANDC (Aboriginal Affairs and Northern Development Canada) operates has a triple mandate<sup>34</sup> to support Canada's Aboriginal peoples and Northerners in the pursuit of healthy and sustainable communities and broader economic and social development objectives (Canada, 2018). However, it was Indian and Northern Affairs Canada's (INAC) wide mandate that enables two main foci within and outside of the Indian Act, as follows: 1. It enabled INAC to work with First Nations to implement legislation that is designed to provide jurisdictional powers outside of the Indian Act by enabling modern treaties and self-government agreements. INAC was also responsible for implementing the obligations and processes involved in these agreements in collaboration with other noted government departments. 2. INAC was also responsible for housing, community infrastructure and social support to Status Indians on reserves, administer land management of the Indian Act and execute regulatory duties under the Indian Act. The Indian Act is therefore a prominent piece of legislation with regards to community infrastructure and social support. In 2017, INAC was changed to Indigenous Services and Indigenous Crown Relations without consultation with the Assembly of First Nations.

during the research period, for funding mandated by the Indian Act, which includes general service delivery, but which I discovered excludes public libraries. Aboriginal peoples in Canada also fall under the Constitution of Canada under section 35 'Rights of Aboriginal peoples of Canada (Part II)', which subsumes Indigenous law under a western constitutional paradigm (Turner, 2016; Canada, 1982). This observation was confirmed by an SNPL trustee who stated in relation to funding that "when we looked at it, we just naturally went to Indigenous Affairs because we're asking for public libraries in Indigenous communities" (LFBP1). This ambiguity has also been noted by Borrows (2016), who reports that it is not clear which ministerial departments are responsible for funding Indigenous projects (such as education). An SNPL Trustee participant also noted and in support of Borrows (2016) that "at Indigenous Affairs, they're passing each other back and forth. If you start at Culture then they pass you to Indigenous Affairs, if you start at Indigenous Affairs then they pass you to Culture. It's just a stalling tactic. There isn't anybody" (LFBP1). Therefore, a significant finding of this research is that there is no federal mention of Indigenous public libraries as a separate social or cultural institution and that they are not recognized in the delivery of social and economic services to reserves as a valuable resource for accessing information.

According to a First Nations public library report (OFNPLSPLC, 2004), First Nations public libraries on-reserve are community-driven and the motivation for their establishment is from within Indigenous communities. This is still the case today. As an example, the Six Nations Economic Development Corporation's report on Community Planning has included the SNPL new building project in its plan (Six Nations Development Corp., 2016). The urgent need for capital investment from the federal government was evident in the SNPL responses related to the funding of SNPL's new building. The need for a new building is obvious; there are over 30,000 holdings, only half of which are in the building while the rest are in a blue 40-foot container located to the side of the building. With the land allocated and 'shovel ready', raising funds for the new SNPL library has been difficult. However, to economize on resources, a change in the building design has been made, which in turn has interrupted the SNPL building project. This new design makes provision for new offices for the Six Nations Elected Council and other Six Nations organizations within the new SNPL building.

The PIC, Board members, trustees, community members, staff and patrons all reflected on the urgent need for a new SNPL building and many community members are involved in fundraising or advocating for this. As a participant also remarked, “funding is the big issue. We don’t have near enough. So, we need some major federal and provincial funding in the form of grants and when those are on the horizon we can get serious again about local fundraising. We’ve probably got a couple of million promised locally. We probably need five” (LFBP1).

This example highlights the importance of federal recognition of Indigenous public libraries on-reserve. Seeking clarification on this finding, I investigated the institutional mandates at the INAC. An informal interview with an INAC representative indicated that there is no federal institutional relationship with Indigenous public libraries on reserves or specific funding for First Nations public libraries. Instead, the representative suggested that I also look at documentation on the education budget for libraries in schools. A finding is that there is no line item for a ‘public library’, or any First Nations public library through the education budget or any federal<sup>35</sup> budget. This suggests that the institutional relationship between the federal government and SNPL does not exist and therefore there is no funding opportunity at a federal level for Indigenous public libraries as a basic need to access information on-reserves.

According to Edwards (2005) in the 1960s Aboriginal libraries fell under the federal legislative authority, the Department of Indian Affairs and Northern Development and that a consultant was employed to develop library services in Aboriginal communities. However, with little funding from the federal government, the libraries were supported largely by Aboriginal peoples and philanthropists (Edwards, 2005). I decided to investigate this further to see if Indigenous public libraries were located in another federal department of the federal organizational structure. I discovered that the federal government’s administration and governance organizations are defined in the Financial Administration Act, 1985<sup>36</sup>. In analyzing these organizations, I noted that a number of organizations have

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<sup>35</sup> As Newman (2008: 29) also noted that “without federal partnerships, the provinces, territories, and municipalities are largely on their own to develop systems to meet the complex and changing needs of Canadians [...] The many library organizations try and meet these needs through voluntary collaborations of individuals and institutions”.

mandates that influence Indigenous public libraries on reserve. For example, Library and Archives of Canada (LAC) is mandated to preserve the documentary heritage of Canada for the benefit of present and future generations (Canada, 2004; 2015b; 2006; 2006b; Bertiaume and Nicholls, 2016). Of relevance to SNPL, the Act supports all Canadian libraries, not public libraries specifically, according to an off-reserve library organization participant (FCALP1). The current model at LAC is decentralized to ensure cross-channelling and coordination of efforts (FCALP1) and an outcome of this model is that expertise in Aboriginal material exists across the organization, rather than being vested in one particular position. In the past there had been a First Nations representative at LAC (Pelletier, et al., 2003), which reflects a similar finding to that of Edwards (2005). This was further confirmed by Stenstrom (2012; 2014) that by as early as 1995, having expertise in a specific program area in government departments was no longer a priority. Therefore, without a dedicated Indigenous portfolio at LAC, Indigenous input in projects is vested in many individuals and many departments, suggesting that expertise varies. A conclusion is that there is no dedicated focus on Indigenous informational issues at this federal level. This was also confirmed by an LAC participant (FCALP1) who stated that the LAC does not work with other federal departments other than Canadian Heritage.

In some SNPL interviews (LPIC1, LFBP1) there was a sense of urgency in advocating for First Nations public libraries as there was concern that there was no voice for Indigenous libraries in Canada. This urgency was noted in the exasperation about the number of reports that had been commissioned and compiled over the last 20 years or more on Indigenous issues and that the money that was spent on these reports could have been better spent. As one SNPL participant noted, if the reports had been coordinated, First Nations libraries would not be in the predicament they are currently in. That time was of the essence was also reported by a participant who stated that: “If we can’t do it right now with the current government (2017) we’ve got and in the current environment of the TRC report just in, we’ll never get it in the next three years” (LFBP1), alluding to the next federal election cycle.

#### 5.4.1.2. Pattern: Library Governance and Funding

A second pattern in the library governance theme was funding. 35 responses out of a total of 112 responses referred to ‘funding’ which is high and represents a third of the responses. Funding was referred to in different conversations during the interviews with SNPL participants as well as with other off-reserve stakeholders. Many of the SNPL responses were from the PIC (14), trustees (11) or Board (4) members, which matches their roles as either board members or community partners who discussed funding and its importance to the functioning of the library. Community members (1), staff (2) and patrons (1) discussed funding in relation to resources, space or connectivity. ‘Looking Forward’ elicited 9 responses referring to building the new library, which also reflected some important responses to funding. Table 6: Patterns in Library Governance reflects these responses.

A major part of operating a public library is its funding. In analysing the funding mechanisms for SNPL through participant responses from all groups involved in the context of research reports, lack of funding has been and continues to be a major concern in Indigenous public libraries (Burnham, 2017; O’Neil, 2016; Demers et al., 2014; DeYoung, 2014; Newman, 2004, 2011; Aboriginal Library Services Working Group and Mary Cavanagh, 2009; OFNPLSPLC, 2004; Blake, et al., 2004) A response that summarizes the general tone about funding at SNPL is that:

Never, never, there’s never enough funding... we’re always squeaking by come year end. By the next fiscal we’re looking at squeezing out every last dollar, but I think we work proactively. My belief is we work proactively to ensure that the funds stretch as far as they can (LTP1).

It is in this context that SNPL is seen as an institution that the Six Nations community deserved, and that the library should:

“not be a lesser library system simply because we are on-reserve and if it is a case where we have to have a substandard system because we are on-reserve we are better off closing the building and saying go somewhere else...because you’re not helping anybody by having something that’s not worth the time and effort just to say we have one” (LPICP1).

According to the Six Nations Elected Council, funding is included as one of their guiding principles and finances are to be made available to participate in the consultation and

accommodation process with the federal government (SNEC, 2015). In terms of funding for SNPL, Six Nations Elected Council's support for SNPL was expressed within its own constraints. These constraints are recognized by off-reserve participants. According to an Ontario library organization participant regarding Indigenous library funding and salaries, "libraries do really good work but are massively underfunded, but especially the staff are underfunded, when you only pay someone \$1,300 or \$1,400 a month. It's under poverty level" (OLAPB1).

According to SNPL participants, some Six Nations Elected Councillors found the library costly and potentially not worth it, while others supported it. As an SNPL participant noted, although there are "supporters on the Elected Council, they are not really strong supporters, but supporters nonetheless, and we also have some others who see no value in the library at all. So, there's not an overwhelming support for the library overall, but I think that is mainly because they don't know what the library does. They haven't visited the library. They just don't know" (LBP1). According to the SNPL PIC:

I think that our Council is very supportive of us. They just don't have the means to financially do what needs to be done and that's a case of the financial amounts of money that are received, are received for very specific pots so ... it's for health, for welfare, for housing, for roads, for education. Even those are not adequate numbers so there is no pot that the library fits into (LPICP1).

The Six Nations Elected Council was also seen as a possible funder for the new Library because the library is a community initiative. This is explained in the following statement from a SNPL patron participant, which was echoed by another SNPL participant (LPP7):

"Council embodies the community. We've also had different funders who have helped us a lot throughout the years. We've had organizations help us out, so definitely Council. That would very much show the community that we are community and that we help each other out" (LPP5).

At SNPL, nearly half of the budget is a contribution from the Six Nations Elected Council, which is taken out of gaming or 'Rama' (LPIC1). This provincial gaming fund is defined as an Ontario First Nations Limited Partnership. Rama is the casino located on Rama First Nations reserve in Ontario. The revenues from the casino are managed by the Ontario Trillium fund and disbursed to First Nations communities. According to Belanger, et al., (2013: 13) "in addition to undermining indigenous sovereignty by allowing the provinces to legislatively penetrate what were previously exclusively federal domains, arguably the

provinces hosting First Nations casinos took advantage of economically impoverished First Nations' willingness to accept restrictive provincial policies in their zeal to access gambling revenues". Without federal funding specifically for Indigenous public libraries, the Six Nations Elected Council invariably takes funding from other much needed organizations of which Rama is an example.

When participants spoke about funding there was a sense of disadvantage for First Nations libraries. This is echoed by Lynch (2017: 8) "First Nations communities have many needs and limited resources. Without dedicated funding, libraries exist only at the sufferance of local councils. When councils face so many other pressing needs, the provision of books and information is a low priority". A public library intellectual who participated in the research acknowledged that "it's difficult to think of another group that is as disadvantaged as First Nations when it comes to library development. Library Acts – for individual municipalities or regional systems – in Canada always assumed there was state funding available for this and with local bylaws or actual referenda to set up libraries (gone by 1966 in Ontario) where local residents would support libraries" (PLIP2). The participant concluded that sub-standard library development in Indigenous communities was socially unjust. A result of funding shortages at SNPL, according to a library board member, is that there is "no program funding so there is no consistency for the different activities and reading programs, which is important, but they occur as budgeting allows" (LBP4).

An off-reserve participant mentioned that traditionally public libraries are not associated with "well-being and equality, inequality and happiness and those are the three things that I would say that libraries have a big contribution to make to" (PLIP1). However, an SNPL patron (LPP9) acknowledged that "there are lack of funds at libraries generally but especially so for Natives but that this is the case for education and health too". A participant stated that "all Six Nations is asking for, for the rest of our lives, forever is for health, education, that's all. It's all we're asking, we're not asking for returned lands, we can't get that but if the federal government agreed to free health for all members and free education at university..." (LBP2).

In the context of inadequate funding and support generally for Indigenous public libraries, there are two major funding issues at SNPL: connectivity and the new library



building. One of the biggest issues for SNPL management is funding for connectivity. Access to information is precarious since the SNPL library is dependent on online access for communication with other stakeholders, for managing their content, for digital projects, social media and for providing a contemporary library service. SNPL's need for a new library is an example of an immediate challenge of Indigenous public libraries to fund this service sustainably within their institutional and political complexity. Reviewing this challenge as a consequence-sensitive approach to distributive justice in relation to Indigenous public libraries reflects on the histories and legislation of service delivery.

At a federal level, the government, through the CRTC, has benchmark requirements for minimum upload and download speeds by 2020. The 'Connecting Canadians' program was an initiative through Industry Canada (federal) as a community access project supported by the CRTC that identified public libraries as facilitators of "access to information technology, to resources that support economic and community development, and to training in information literacy skills" (Julien and Anderson, 2003: 6). As the SNPL person in charge stated, "they've put \$750 million out for grants but \$750 million for rural, remote and First Nations is not enough for a community or the country. So, connectivity is probably one of the biggest rights that we have to deal with" (LPICP1).

However, funding was cut to the Connecting Canadians program that has been in operation since 1999 and funded access to the Internet and the purchase of computers (Julien and Anderson, 2003; Belcourt et al., 2006). The cut in funding resulted in limited connectivity funding, but according to Ontario provincial government participants, this did not necessarily affect First Nations libraries (PLIP1&2). This is an interesting claim, but no further details were available. The inconsistency in funding was noted by an off-reserve provincial library organization participant who added that there is no funding for IT support either (OLSOP2). Grants are available for different types of projects, which does not represent the specific provincial funding for First Nations salaries or the library operating grant and these grants have to be pursued separately.

The general issue of funding at SNPL was raised in the interviews in relation to the provincial government. The Six Nations Public Library is served by the Southern Ontario Library Service (SOLS) and receives provincial funding through a public library operating grant. This differs from library to library, depending on the First Nations reserve

demographic (this is a per capita amount while provincial libraries are funded on a per household basis, which is based on the public library's tax base<sup>37</sup>). SOLS also receive a First Nations salary supplement for disbursing to First Nations public libraries, which was confirmed by Ontario government participants (Ontario, 2016; PLSIP1&2).

A participant explained that there has been support at the provincial level for libraries, which has developed progressively since the 1930s (PLIP2). A public library intellectual who participated in the interviews remarked that "library funding in the subsequent Ontario ministries has decreased as a percentage compared to say 1975 when these agencies started to form" (PLIP2). According to Bruce (2011: 372) "aside from intermittent legislation and policy formation, the Province's conditional transfer payment to boards and special purpose grants remained the prime method of equalizing service across Ontario" by 1985. The more recent issue of the outdated funding formula goes back to the 1990s (PLIP2).

In 1990, public library funding was reduced by 40% - three percent of the operating budget. Notwithstanding this cut, participants recognized that there remained options to apply for peripheral grants from other provincial departments (PLSIP1&2). However, according to provincial participants, First Nations salaries were not reduced, and neither were other strategic investments. Funding cuts were rooted in the political economy of the mid-1990s in Ontario, which also effected First Nations public libraries in the province (Bruce and Bruce, 2011; Fanelli, 2014). Municipal amalgamations resulted in a restructuring where program spending and responsibilities were devolved to municipalities but "without an equivalent transfer of funding or matching fiscal supports" (Fanelli, 2014: 11). Decisions in 1996 resulted in budgets being frozen and public library grants reduced. As Stenstrom (2014: 103) notes, the public library operating grant was reduced and "libraries received approximately 60% of the previous years' total grant amounts in that fiscal year." A residual effect was that this funding formula is still used today and reflects a flat line from this time. This flatlining was confirmed by provincial library participants who noted that while there is an operating flatline there is still fairly substantial one-time

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<sup>37</sup> According to MTCS public library statistics in 2016 for example, Wikwemikong First Nations (and their public library) with a population of between 2,501-5,000 has local operating support of \$4.73 as a per capita amount and Six Nations (and SNPL) with a population of between 5,001-15,000 at \$13.88.

funding for strategic programming (PLSIP1&2). But as Borrows (2016) notes this one-time funding is inadequate for sustaining services in the longer-term.

Off-reserve participant responses on funding differed on how First Nations libraries are funded. Some respondents identified the ‘Band Council’ as the primary party resolving grants and funding issues for libraries while others stated that funding was from an Education budget. For example, provincial government representatives identified the Band Council as resolving issues and the grants and funding are established at this level (PLSIP1&2).

In concert with provincial funding regulations, the ‘public’ libraries receiving funding should include ‘public’ in their name amongst other criteria (PLSIP1&2). In this respect, libraries can brand themselves differently, but they still have to subscribe to the Act to receive their funding, according to provincial participants (PLSIP1&2). It was also pointed out by an off-reserve library organization participant that Ontario is the only province that “funds First Nations libraries so this makes them unique. They are underfunded. This is because of the cap on funding which is based on the census from the mid-1990s, [which] ... is a per capita funding i.e. persons living on reserve at that time. It is a federal census and there is no acknowledgement in the funding formula that the communities have grown and changed” (OLSOP2).

As provincial government library participants noted, there is funding for 46 Indigenous public libraries in 2016 (however, this dropped to 45 by 2018). In the Ontario Culture Strategy, the government is reviewing provincial funding for libraries that would build capacity in libraries serving rural and remote communities (Ontario, 2016). This Strategy establishes that funding is anticipated for First Nations public libraries from the Ministry of Tourism, Culture and Sport but this is not allocated for capital investments and instead it is for connectivity and training to improving digital services and support leadership and innovation. As provincial officials who were interviewed noted, some First Nations libraries receive some provincial funding for broadband for connectivity and towers. This funding is to be administered through SOLS and OLS-N but is generally time specific (OLS-N, 2007, 2014). Other provincial funding available to SNPL is in the form of transfer style monies from the Ministry in collaboration with other departments.<sup>38</sup> These

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<sup>38</sup> Through the Ontario Ministry of Infrastructure there are information and technology funds available for

grants are also information and technology related. Therefore, while the province recognizes the key role that public libraries play in society and in building communities, the Provincial Library Operating Grant (PLOG) has not increased. The MTCS invests funds strategically and in targeted projects not specifically for Indigenous libraries (TPL, 2015). In the meantime, at SNPL, when e-resources are limited they use “hand me downs as long as they still work and are functional” (LPICP1).

Therefore, while the Public Library Act, 1990, supports “the provision of equal and universal access to information and establishes free public library services in Ontario through governance and regulations” it does not include the building of libraries, which is part of municipal planning (Ontario, 1990; Ontario, 2017).

#### **5.4.1.3. Pattern: Library Governance and Culture**

A third pattern in the library governance responses is related to culture, cultural integrity and the role of the SNPL as a cultural organization. 9 out of 112 responses were related to culture (see Table 6: Library Governance, culture), which I investigated further. An SNPL participant noted that for countries where there are Indigenous peoples, “the legislation was already in place for them to use it [the library] for their benefit - we don’t have that, the federal government doesn’t have any open area that’s allowing for libraries to even tap into”. The participant continued that:

“the federal government has been very, very clear that they will not touch libraries. They acknowledge they are culture centres but it’s not a culture centre that’s within their purview. So, based on that, we don’t have any success in going there. I think that the ministry here is reinforcing what we do from a cultural standpoint. It’s not going to really help the federal argument because they are just very clear, saying that’s not where we look at culture. We look at language, we look at events, we look at activities, we don’t look at maintaining places” (LPICP1).

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rural communities (and SNPL is considered rural) however the eligibility for these projects is for municipalities and local services boards. The Ontario Public Library Capacity Fund is available for broadband, e-readers and First Nations can apply for this, but it is based on population, distance and need as noted by Ontario government participants (PLSIP1&2). For example, a Connectivity Fund, while discontinued for some public libraries had been in operation since 1999, supporting public library connectivity (\$600,000) to help eligible public libraries maintain and improve Internet connectivity. Some First Nations are still getting this funding but for how long is unknown according to an Ontario library association participant (OLAP1).

This statement is a significant finding in relation to Indigenous public libraries and the federal interpretation of culture for Indigenous peoples. In the broader definition of access to information, the socio-cultural aspect refers to relationships and networks in- and between communities in society and is important for a number of reasons. First, culture refers to the role of culture and Indigenous public libraries in Canada, but the federal government does not consider public libraries to be within its cultural mandate. Second, it is significant that the federal government does not include Indigenous public libraries in its social and economic development service delivery mandate. Therefore, I decided that the concept of culture is an important factor in this analysis as it helps to explain how Indigenous communities are perceived by the federal and provincial government under a cultural mandate, which relates to how they are funded. While Henderson (2008) notes that the concept of culture does not have a clear definition, Ermine (2007) refers to various definitions and perceptions of culture. Ermine calls these ‘disconnections’. The disconnections he refers to are between two different world views – Indigenous and non-Indigenous – and are apparent in the statement from the SNPL PIC that “there’s this idea that whenever you’re in a cultural place that they don’t need to worry about culture so based on that, Indigenous culture needs to be put out to everywhere else, but we don’t need to worry about those places that are First Nations because they have it embedded - but we don’t” (LPICP1). This statement describes how Indigenous knowledge and Indigenous ways of being are being eroded and there is a strong need to reclaim and preserve Indigenous histories, including languages and culture according to Battiste (2000) and Monture (2014). The right and duty to develop culture was stated in the first article of the UN Declaration of the Principles of International Cultural Cooperation by UNESCO in 1966 (UNESCO, 1985). The principles of cultural cooperation reflect a connection to language, land and sovereignty, which are important Indigenous life ways. At that time, this Declaration was a response to Indigenous peoples’ grievances, structural discrimination practices, exclusion and the banning of Aboriginal languages, which reflect aspects of ethnocide (Henderson, 2008).

However, culture is reflected in the history of the SNPL as well as in the efforts of all those who have supported it over the years. The collections at SNPL represent Haudenosaunee, Indigenous and Six Nations of the Grand River history, literature and

poetry. The digitized newspaper collections represent Six Nations history and the history of the Ohsweken community. Locally produced stories and printed newspapers present another source of local information and events. Fiction and non-fiction collections comprise Indigenous and contemporary authors. Culture is also evident in the programs and activities at SNPL for children, youth and adults, supporting the community. The SNPL is used for cultural activities including the support of Haudenosaunee teachings. An SNPL community partner (LCPP1) and an SNPL board participant (LBP4) note that Elders play an important role at the SNPL when they visit the library to do cultural teachings. The library is also a community storage place for historical records which are important for decisions on Haudenosaunee treaty issues (LFBP1; Hill, 2016). Another reason for storing these documents is that “lots of reserves don’t have an archive, don’t have a place to keep their history, their band minutes safe” noted an SNPL trustee. Culture is also reflected in the ethos of SNPL and ‘All Things Six Nations’. Culture is reflected in the names of community centres and libraries - Six Nations of the Grand River Territory for example - while other Nations are reclaiming their traditional and hereditary names through self-determination and decolonization efforts. For example, Mohawks of the Bay of Quinte First Nations Public Library is the Kanhiote Tyendinaga Public Library.

In the context of well-being and culture, the Ontario provincial government adopted its first cultural strategy, ‘Telling Our Stories, Growing Our Economy’, which identifies culture (including the role of Indigenous public libraries) as an essential part of individual and community well-being (Ontario, 2016) yet this is also reflected as an economic matter. In a further analysis of the disconnections noted by Ermine (2007) in relation to Six Nations Public Library, the Ontario Culture Strategy (Ontario, 2016) is actively engaged with their own definition of culture in relation to First Nations public libraries. For example, goal two of the strategy ‘Strengthen Culture in Communities’ focuses on strengthening community-based arts, culture and heritage and acknowledges the work and ministerial funding of SOLS and OLS-N. The first strategy of goal two is “to work with First Nations public libraries to better understand their unique needs and identify opportunities for responding through improved supports” (Ontario, 2016: 20). This is to be done by strengthening partnerships with government partners and culture stakeholders to maximize the use of public libraries (which are part of galleries, libraries, archives, museums as cultural

organizations) “as community hubs and explore opportunities to integrate arts and culture activities and spaces into schools and other community facilities” (Ontario, 2016:20). The strategy states that these organizations provide coordination, training and program delivery, and make printed and digital resources available<sup>39</sup>. In this way, public libraries are considered “essential spaces for access to cultural experiences, technology and community life” (Ontario, 2016: 19). Therefore, the role of the Indigenous public library as a cultural institution is clearly part of discussions that could be supported by Indigenous cultural rights.

The federal government on the other hand has funded buildings with heritage designations for accessing cultural resources (Swanson and Graham, 2006). What is clear is that the federal government is supporting projects that embody heritage in Indigenous communities, while the provincial government is supporting existing First Nations public libraries by providing funding in support of their economic mandate, which includes culture and well-being, but not for the construction of library buildings.

#### **5.4.2. Analysis of Rights Patterns**

From discussions with both groups of SNPL and off-reserve participants, a pattern began to emerge around rights. I found Simpson’s (2014: 23) description of rights useful for understanding this emerging pattern: rights are a political identity and operate within an ‘invisible’ institutional arrangement of the state and that rights protect you from harm, provide access to resources, or protect certain resources in formal and informal ways. At SNPL, discussions on rights are reflected in 65 responses from the SNPL interviews, and 19 from off-reserve library stakeholders (Table 7 shows patterns in rights). These responses on rights are the second highest number of responses in the main themes. This indicates that rights have meaning for the participants and were expressed in different ways. Sub-themes such as the equality of resources; justice and social justice; recognition; and rights in relation to a public library and the right to the Internet, were discussed. These sub-themes reflect what is included in the inter-relationship of obligations of international and domestic

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<sup>39</sup> Services are for education opportunities, employment and small business support, newcomer programs and access to government information.

rights in reference to social equality, cultural expression and distributive justice. For example, material resources describe obligations for library buildings, digital and print collections, technological resources and the internet, and other informational infrastructure; while non-material resources reflect recognition in political identity; equalities in Indigenous public library value and non-Indigenous public library values and the equality of Indigenous rights with Canadian constitutional rights.

An outcome of the literature review is that rights are conditional or non-conditional, which determine how rights and their obligations reflect access to information. Conditional rights prescribe their legal mandate in law and are also known as formal rights. Unconditional rights are pre-legislative and motivated by people to realize their freedoms and are also known as informal rights (Sen, 2004). An observation from the interview responses is that the formal rights responses also relate to ‘perfect obligations’ or duty-bound obligations, and the informal rights relate to imperfect obligations. When rights are acknowledged in some way but not referred to by their formal title, I argue that this illustrates an acknowledgement of justice or that there is an injustice and that this is therefore also a social justice issue.

**Table 7: Patterns in Rights**

SNPL participants n=31							
Rights Pattern	Responses	PIC responses	Staff responses	Board responses	Partners Community responses	Trustee responses	Patrons responses
Equality of Resources	12	3		5			4
Justice and Social Justice	16	6		2			8
Recognition	11	1		6			4
Right to a Public Library & Right to the Internet	26	4	7	1	1	3	10
Total Responses	65	14	7	14	1	3	26



SNPL was seen as a place where “everybody is entitled to have access to any resources in the library” (SNPL library patron (LPP15)). This reflects the general comments in equality of resources where 12 responses (SNPL Patrons (4), Board (5) and the PIC (3)) reflected issues of equality. SNPL was also seen as a “great leveller, a great equalizer because we don’t care if you are rich or poor, young or old because everyone is welcome at the public library” according to an SNPL library board participant (LBP1). With respect to the equality issue, an SNPL board member noted that, “We should have the same resources and the same facilities as other communities serving an equal size of population” (LBP1). An SNPL library board participant reflected further on the impact of the inequality of resources when compared to other non-Indigenous libraries and stated that “when one sees what other libraries are doing and what they are capable of then one thing is clear where there has been a new library built, the attendance, the patronage increases” (LBP1). This observation is supported by public library statistics that show an increase in physical visits, programming and services in new libraries (MPI, 2013; IMLS, 2016). Table 7 shows the distribution of responses related to rights patterns.

The concept of recognition was reflected in 11 of the 65 responses and relates to how the SNPL is recognized in the SNPL community, in the Six Nations of the Grand River community as well as how SNPL is perceived off-reserve by federal and provincial governments and the Canadian public. For example, an SNPL library patron said that “I think that it’s really important to have libraries in every municipality if possible that people can go to because it’s not only services but a place where you can access information, but libraries function as social areas where people can come and gather and socialize” (LPP12).

To contextualize this further, some SNPL participants mentioned that generally in Canadian society they were not recognized as people or Indigenous people and that instead they were seen as First Nations and that this resulted in an inequality in resources between First Nations and Canadians more generally. In reflecting on this, a response from an off-reserve participant from a provincial library organization remarked that local municipal councillors “are missing the point” when they do not share their public libraries with members from First Nations communities (OLAPB1) especially when municipal councillors referred to the municipal taxes that funded public libraries. A further example is the role of justice and social justice in discussions at SNPL, which was evident in 16

responses (8 of the responses were from patrons and the PIC (6) and 2 from Board members) and the second highest category of responses. Some responses reflected the residential school system as an injustice or that the inequality of Six Nations was not improving. Other responses were about immeasurable differences or injustices regarding land and language. The political relationship with the federal government was also seen as an injustice. SNPL provides workshops to mitigate some of these injustices. To contextualize these responses, the library was also expressed as a need, something that should be government sponsored, or that it should be free. An SNPL board participant suggested that “on a federal level there should be a universal policy or declaration saying that everyone should have access to a library or library materials” (LBP1). This suggests that the participants believe that the library could be a place that alleviates information poverty and digital exclusion (Birdsall, 2005). A response also suggested that a library at a school is not the same as a public library. These responses reflect informal rights or the library as an entitlement.

Formal rights were reflected in two rights, ‘a right to a public library’ and ‘a right to the Internet’, which had a high number of responses that are reflected in 26 out of a total of 65 responses. All SNPL sub-groups discussed rights and included patrons (10), SNPL staff (7) and 4 by the PIC. In the formal yet undefined ‘right to a public library’, this was seen by the respondents as a right to knowledge and a right to learn. An SNPL management participant mentioned that the library was seen as a right to education for exercising Haudenosaunee teachings (LPICP1). SNPL participants thought there was a ‘right to a library or public library because it was ‘a good place for kids given the historical trauma’ (LFBP1), broken homes, childhood trauma, sexual abuse, addiction, financial and psychological abuse, and children being taken away from parents (LPP15). The public library was also seen as access to information and as an SNPL staff participant noted the library was a ‘place to access information’ that was ‘open, free, and belongs to everyone’ (LSP4).

Rights were also expressed in relation to ‘access to information’ on ‘the Internet’, or at ‘the library’ or indeed ‘throughout life but especially for people with disabilities’ and reflect some of the 65 rights related SNPL responses. A right to e-access was also noted in responses, which reflects participation in the knowledge economy for learning, access,

government resources, and content as a contemporary issue for SNPL. While there are no conclusive comments from participants about the human right to the Internet, the responses show a strong argument for the right to access information including the Internet (Tomalty, 2016; UNGASS, 2011). The Internet is seen as transformative and enables individuals to exercise their right to opinion and expression (UNGASS, 2011), which is clearly expressed in responses indicating a desire for full participation in society. For example, an SNPL participant (LPP8) said that the library was considered as a ‘wherever, whenever’ place to access the Wi-Fi, which is available inside and outside the library suggesting availability at any time for information which was ‘free and affordable access to information to teach, learn.’ These responses are in line with literature that supports rights and access to information as essential aspects of the library as a place to access information (UNGASS, 2011; Birdsall, 2011; Bertot, et al., 2011; Halpin, et al., 2015; Jaeger, et al., 2015).

A key finding in this pattern is that rights are reflected in many of the SNPL responses and refer to either formal rights or informal rights. This reflects issues related to the equality of resources such as there being inadequate space for experiencing the social and physical space of SNPL. It also refers to inadequate computer facilities or access to the Internet. In addition to this some SNPL participants recognized that their informational needs were not being met because they were not recognized as equal citizens in Canada.

#### **5.4.3. Analysis of Library Value Patterns**

Library value reflects both individual and community value of the public library through how they use the library or how the library reflects their informational needs. These needs are evident in what, how and why SNPL collects, stores, manages, presents and advocates for the informational resources they hold. Statements on library value were evident in 32 responses and reflect that SNPL not only has value in the individual and collective lives of the community but also reflects well-being (Table 8: Patterns in Library Value). In analysing the library value responses, I have determined the essential value in the discussion below.

**Table 8: Patterns in Library Value**

SNPL participants n=31							
Patterns in Library Value	Responses	PIC responses	Staff responses	Board responses	Community Partner	Trustee responses	Patrons responses
Library Value	32	1	3	2	1	1	24
Total Responses	32	1	3	2	1	1	24

The responses from SNPL participants on library value indicate a general pattern that the library is a good place for ‘All Things Six Nations’, which is the tagline used by SNPL for fundraising according to an SNPL board participant (LBP1) [Six Nations value]. However, as a SNPL participant noted, “unfortunately so many people here are not familiar with what a really good, well supported library can do and does in other situations” and drew the conclusion that “unfortunately here there is too many people who say: ‘Well, this is good enough, good enough here’” (LBP1). As the SNPL PIC noted, the community was “very comfortable with what they had because that’s what they’d had at that point for 40 some years, 50 some years and because of that, nobody was asking for more and the ones that were asking for more, didn’t come here and ask for it, they just went to other libraries” (LPIC1). As an SNPL patron also said, “I think it has to do with the people, because the people here are friendly too and you don’t get that attitude. At the other libraries you run into not-so-good-a-person but when you’re coming in here, you ‘ain’t getting no guff” (LPP1) [social value].

Patrons valued the ability to check emails or do online banking [human value]. Some patrons used the library to access social media (Facebook for example) [social value]. Others used the library as an office [innovative value] or to keep warm [basic human value], or to sit and read a book, even an e-book [informational, literacy including digital literacy value].

The library was comfortable and provided a washroom [basic human value]. Another value was the convenient location for those visiting the library or walking by the library because Wi-Fi is available inside and outside the library [communication value].

The centrality of the location was also important for dropping children off at activities or using to the library to study. However, this centrality was also important for staying off the streets as the library was located close to a poorer area [human and safety value]. As a SNPL community partner describes, “the Library is near low income housing, and therefore is a safe environment for both learners and parents. The library is near lacrosse, the arena and swimming.” (LCP2).

Activities and programmes were mentioned by those who had attended these events in the past, who supported the library generally or wished there were more programmes, exhibitions or gatherings at the library [social, history, informational value]. The library also had value for out-of-towners who returned to Ohsweken at the weekend, for particular occasions or school holidays [cultural value and social value].

Patrons, management, staff and community supporters valued the library and mentioned that it was a place that is worth supporting [cultural value and value of taking part in cultural life]. In this instance, the patrons mentioned donating books to the library but also in the context of people not having a library at home and that reading is important [literacy value]. There was also an interest in using the library to start a book club or just take books out of the library for the pleasure of reading [literacy and reading value]. As an SNPL patron also noted, the library was valuable because people have ideas and the library was seen as a place that could support these ideas [innovation value]. The library was of value for some patrons who visited daily or weekly as a place to go [social value]. Patrons mentioned that the library helps people out; for example, for some library users it was to print resumes or to access free resources [information value]. The ‘Native history’ collection was of value to university, college, high and elementary school students for school projects but also for researchers [Six Nations cultural value and educational value].

Value statements from off-reserve library organization participants were also identified. Five responses from off-reserve stakeholders reflected library values where the public library was mentioned as being a public good, which is in line with a national library value profile by Schrader and Brundin (2012). The contemporary SNPL is valuable to Six Nations of the Grand River community for what it offers as a beneficial informational, social, well-being and cultural institution with relevant collections, programmes and broadband that reflect their individual, collective - Six Nations of the Grand River and

Haudenosaunee - or topical information needs, interests and values. SNPL is a social institution that provides goods and services that enhance capabilities and from which the SNPL community draws opportunities.

This pattern of library value is consistent with the Canadian Index of Well-being. This Index is compiled and hosted by a Canadian intellectual think tank that reports on the provision and core funding of leisure and culture programs, services (such as the public library), facilities and opportunities by public agencies and non-profit voluntary organizations in relation to well-being (CIW, 2012, 2016; Johnston, 2016). The CIW states that it is important to strive “to ensure [that] leisure and culture engagement is protected and celebrated so the well-being of all Canadians is enhanced” (CIW, 2016: 65). In this research, respondents’ statements of value also reflect well-being and in many of these examples there is a claim of social justice. As one respondent believes, “social justice is about having a healthy place so whether that is your physical place, your mental place, your emotional place, that is wellness” (LPICP1). Yet First Nations communities are not included in the Canadian Well-being Index but are reported in a separate Community Well-being Index (CWB) produced by the Strategic Research Directorate in Aboriginal Affairs and Northern Development Canada (SRD), which excludes culture and leisure and therefore public libraries or access to information as a basic need or well-being indicator (Canada, 2015a). This report states that the indicators used do not capture the economic realities of some First Nations communities due to the fact that some indicators are difficult to measure because of the remoteness, size and low population of some communities (Canada, 2015a). Questioning the methodological approach of this research and how this research method is perceived by First Nations communities themselves could be included in further research.

#### **5.4.4. Analysis of Access to Information Patterns**

This theme relates to the actual use of the library by participants in the case study. The responses in this theme reflect a rich narrative of how library users appreciate the library but also the issues that users, management and the SNPL community face in relation to these resources. Access to information is divided into two parts, printed and digital access

(Table 9: Access to Information Patterns in Library Collections, Services and Programs; and Table 10: Access to Information Patterns in Internet Access and Participation in Society). There were 183 SNPL responses in total to both physical and digital access that reflect the ‘access to information’ patterns.

#### **5.4.4.1. Patterns in Access to Information - Library Collections, Services, and Programs**

A pattern that emerged from access to information in relation to library collections, services, and programs was related to Six Nations collections for Six Nations history, Native collections, and Native language collections;<sup>40</sup> to SNPL services; to SNPL programs; and to library space (for Wi-Fi use, meetings and reading) (Table 9: Patterns in Access to Information Through Library Collections, Services, and Programs). The patterns reflect how SNPL Board, staff, management and partners are dedicated and provide an excellent and efficient library service, while constantly improving their role in providing access to information for patrons. The library service provides books and resources for all ages; Six Nations and general Indigenous collections; archival documentation and preservation; and programs, technology, and services that reflect community needs and interests (Saunders, 2012). Part of the SNPL public library service is being welcoming, responsive and courteous to patrons. This commitment to patrons was supported by a range of responses from participants in the study and reflects the role of the SNPL as a capability enriching institution.

The patterns in Access to Information for library collections, services and programs reflects 97 responses from all groups at SNPL. The Library is a gathering place for local news - newspapers are available to read and SNPL serves as a place to pass the time on a hot or cold day. Access to information is made possible through an SNPL library card, which was mentioned by SNPL patrons who indicate their particular Nation on their card for inclusivity in the Community (LSP1):

When we make people’s cards we have a part that will go through all the languages: Mohawk, Cayuga, the Seneca, the Onondaga, the Oneida language and you can check off that...

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<sup>40</sup> These titles of these collections are taken from SNPL shelves.

**Table 9: Patterns in Access to Information Patterns in Library Collections, Services and Programs**

SNPL participants n=31							
Patterns In Access to Information library collections, services, programs	Responses - total	PIC responses	Staff responses	Board responses	Community Partner responses	Trustee responses	Patrons responses
SNPL Collections & Reading	11	1	2	2	1		5
Six Nation Collections: Six Nations History; Native Collection, Native Language Collection research and schoolwork	27		9	3		2	13
Services	13				1	1	11
Programs	17	1	6	1	2		7
Library Space	29	1	6	1	2	1	18
Total Responses	97	3	23	7	6	4	54

The accessibility of the library is evidenced by the fact that it is centrally located, and the staffing and hours are flexible, with the SNPL operating six days a week for a total of 55 hours a week serving an average of 87 patrons per day or 27,144 patrons per year, so it is a busy library (Saunders, 2012). The SNPL collection was described by a SNPL staff participant as having “a 50/50 split of Indigenous to non-Indigenous books and that the First Nations/Indigenous issues books are used by university and high school students” (LSP2).

#### **5.4.4.1.1. Patterns in Access to Information - Library Collections**

The Six Nations and ‘Native’<sup>41</sup> collections specifically provide resources for students and patrons on Six Nations History, ‘Native’ history and ‘Native’ Languages. All three collections were mentioned by staff for how the collection was used and curated. The SNPL collection is an important part of the library’s collection development policy (Saunders, 2012, 2013). Of importance to this discussion is the Indigenous collection development

<sup>41</sup> ‘Native’ is taken directly from the shelf titles at SNPL. Collection development policies are being re-written to reflect Indigenous peoples interpretation of classification (Saunders, 2013; Cherry and Mukunda, 2015).



guidelines that are being developed beyond the SNPL. In this respect, the CFLA-FCAB is working with the Truth and Reconciliation Calls to Action with an Indigenous portfolio (Callison, 2017). The OLA also have an Indigenous Libraries Task Group, which is also responding to the TRC Calls to Action in collection development revisions and ensuring collections and libraries reflect First Nations in Ontario, according to an Ontario library association participant (OLAPA1).

Management and Board members commented on the importance of Indigenous collections to meet the mandate of the SNPL. The ‘rare’ history collection at SNPL is the core of the collections. This collection is unique to the Six Nations community, consisting of many single copies, which by most accounts are irreplaceable. The result is that much of the rare collection is shelved and locked away for safety. These collections contain rare copies of the Great Law of Peace, for example. The rare history books are non-circulating, but ‘Native’ history and Six Nations history books are easily available to the Six Nations community members and others who visit the library. Staff assist library users in working with these resources.

Six Nations literature represents the history of Six Nations of the Grand River and was well used, according to participants. Patrons not only used the collection, but also felt that these collections were unique and especially useful to them in their research because they reflected their history. Many of the patrons who used these resources, including those visiting the SNPL specifically for these resources for research or school work, mentioned the value of these books and audio collections.

Staff stressed the importance of reading is fundamental to access to information and of storing the resources in a way that is accessible to all. For example, this illustrative comment was made that “I believe there’s a big need for libraries. Because of technology, people think that we don’t need books anymore... we don’t need to learn how to read ... tablets, e-readers, phones... but we need to know how to read to access information” (LSP1). SNPL participants also mentioned that these special collections and the general collections were used by elementary and high school students for school projects, indicating the wide significance of this library to the community.

#### **5.4.4.1.2. Patterns in Access to Information – Services and Programs**

Besides accessing information through the collections at SNPL, additional services offered by the library include printing, inter-library loan, faxing, a digitized newspaper collection, programs and space for meetings. These services were highly valued by a large proportion of participants at SNPL, with 11 out of 13 responses being patrons (as shown in Table 9).

Programs were mentioned by most groups, especially staff and patrons. The need for more programs was noted by seven of the 17 responses in the programs category, including the need for a programmer. Programming at SNPL includes wills workshops, summer programs, staff guidance on books to read, literacy skills development, a history circle, film night, and after school programs. There is also special attention given to children with learning abilities and those who need help developing a good work ethic in order to get references for jobs. In 2010-2011, 4613 participants attended 242 programs (Saunders, 2012). A number of participants at SNPL mentioned the need for programmes and considered it an urgent matter; however, they also recognized that funding is severely limited for this (LPIC1).

As mentioned above, the SNPL offers a will writing workshop, which aims to ameliorate some of social realities of life on reserve that are a very serious issue for many Six Nations of the Grand River. Some members of Six Nations of the Grand River have hundreds or thousands of acres of land that may sit in probate for generations should they pass away intestate. The wills workshop at SNPL is assisting with information on how to develop a will, “otherwise you have many, many people who are putting themselves in a very dangerous position.... It’s about trying to bring information to people in a way that’s going to protect them....On a reserve, anywhere where Indigenous Affairs are involved, it gets very muddy with land tenure”, noted the SNPL person in charge (LPICP1).

The wills workshop is tied to the political situation between the federal government, the Crown, the Six Nations Elected Council and the Haudenosaunee Hereditary Council (Hill, 2017). The treaties pertaining to the Haldimand Tract are disputed by the Haudenosaunee Hereditary Council and the federal government. A patron reflected on the Six Nations of the Grand River land issue regarding their Aboriginal and treaty rights protected by the Charter and stated that, “the government wanted to educate us, now they want to limit us. That just doesn’t seem right. They are slowly taking our rights away...”

(LPP10). According to one participant (LPIC1), the Six Nations Public Library is striving to realize a public library that Six Nations of the Grand River not only deserve but will help the community in critical matters.

Library space elicited the most responses under this theme of access to information – collections, services and program. Twenty-nine of the 97 responses were mostly from staff (6) and patrons (18), although the limited library space was mentioned by all groups of participants at SNPL. Participants described the importance of the building being a clean, healthy space but also appreciated the space as being quiet and safe. However, it was the physical size of the space that was a concern. This included seating space and the number of tables, which were considered inadequate to accommodate all the people who visited the library at any one time. For example, an SNPL staff participant noted that “the library should be bigger because there are a lot of people visiting the library and it’s too small... [the library] can only handle 11 people and after that you’re sitting on the floor” (LSP1).

Space was a serious issue, which resulted in books being housed in a 40-foot container alongside the library and accessible only to staff, which restricted access for patrons. It was noted that with more space, “the quantity of outsourcing of resources and passing on of patrons to better stocked off-reserve libraries would decrease if we were able to have space to house an adequate collection” (Saunders, 2012:13). In 2012, the Library circulated 22,000+ holdings, which is over half the collection (Saunders, 2012). As it was pointed out, “There is no point in being a library if you don’t have a collection that’s worthy” (LPICP1). While the collection is certainly considered worthy, the ability to access the whole collection is severely limited by space constraints.

The library space also elicited several responses from SNPL management. Many were concerned for those patrons who could not use the stairs to enter the library and that the AODA requirements for safety were not necessarily being met. As a result, a ramp had been installed at the entrance to the library. But the long, steep staircase inside the library that accessed the upstairs meeting room and collections prevented some patrons from accessing these collections. Given that the library is used after hours for its free Wi-Fi, a further safety requirement is lighting inside and outside the library. It was also felt that lighting would help make the library safe for library workers entering the premises early in the morning or leaving late at night.

#### 5.4.4.2. Patterns in Access to Information - Internet Access and Participation in Society

The patterns associated with the second sub-theme of access to Information, ‘access to information for Internet access, use and participation in society’, are presented in Table 10. The patterns were analysed separately from ‘Access to Information: Library Collection, Services and Programs’ because the focus of the pattern is on the informational needs discussed through technology, skills and connectivity responses. Access to information using the Internet to participate in society includes new media and the informational structures that relate to this specifically. Patterns relate to: computer space, allocation and assistance; Internet access and use; digital devices; digital resources; social media; and Wi-Fi. The highest number of responses regarding Internet access came from patrons, with this group providing 20 out of the total of 25 responses.

**Table 10: Patterns in Access to Information in Internet Access and Participation in Society**

SNPL participants n=31							
Patterns in Access to Information: Internet Access & Participation in Society	Responses - total	PIC responses	Staff responses	Board responses	Community Partner responses	Trustee responses	Patrons responses
Computer space, allocation and assistance	20		10	1			9
Internet access and Use	25		3	1	1		20
Digital devices	10			1			9
Digital resources	8		2	3			3
Social media	12		3				9
Wi-Fi	11		1	2		1	7
TOTAL	86		19	8	1	1	57

#### 5.4.4.2.1. Access to Information: Internet Access and Use

Access to the Internet was considered fast and readily available, especially with regard to access to the free Wi-Fi service. The speed of the Internet is not an issue due to a recent, new higher speed Internet package. However, comments included the overall lack of desktop computers for accessing the Internet. There had been more computers in the library in the past, but over time some computers became obsolete and parts were used to update other computers. Some older computers were moved to make space for books. However, there remains a shortage of computers with only four workstations and ten iPads available. Lineups are common and workstation use is limited to 30 minutes when the computers are busy. Several participants noted that some patrons leave the library when they see that the computers are being used and there is a lineup (10 responses suggest this in this sub-theme). Staff assist with troubleshooting (for example for website access or completing online forms or tax forms). Four patrons discussed audiobooks or storing books on their reader. Digital resources include databases for genealogy, subscription databases and a Six Nations digitization project available on a dedicated computer.

Twenty responses reflect ‘Internet access and use’ from staff (10) and patrons (9). “Younger people including high school students and kids”, were mentioned numerous times as being the cohort who used the Internet the most. This is supported by studies by Swanson and Graham (2016) and Rinio (2013) on the growing literature on Internet use in Indigenous communities. A participant commented that more computers were needed to provide “a hang-out space for under 18s and after school kids who have nowhere to go. It would be good if they could socialize and that libraries could become a hub for access to the Wi-Fi, using cellphones, charging them or just to use their cell phones” (LSP4).

A staff member commented that technology has changed SNPL and added to the general workload. For example, an integrated library system is installed at SNPL to provide access to the Internet for managing the library, information and recreational use as well as to access online resources and subscription databases and manage the collections.<sup>42</sup> For

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<sup>42</sup> In Ontario, the integrated library infrastructure using the Internet has been implemented for First Nations public libraries by SOLS and OLS-N. This Joint Automation Server Initiative (JASI) consortium has implemented specific standards and policies to ensure a high degree of accuracy and consistency across the database because each library catalogues their own collections. This enables access to an integrated library

many patrons, the Internet at SNPL was faster than at their homes if they had access at home. For others it was more convenient to use the library. Many also used the library to learn computer skills. For some, the Internet was used to develop websites for business and to play games. For others the Internet was relatively new in their lives. Social media including Skype, YouTube, and Facebook was used to stay in touch with family who live elsewhere, to learn new skills, to communicate across the world, and to be part of non-native society.

### **5.5. Discussion of Key Findings**

As articulated above, a number of patterns were analyzed from the interview responses, in the context of the secondary sources and in relation to the research question on the role of rights and access to information. Drawing on these findings, I now discuss the key findings. This discussion highlights how access to information is an SNPL library value embedded in a complex set of institutional arrangements that limit funding opportunities, in spite of access to information being an Indigenous cultural right in Canada.

As I established in my literature review in Chapter 2, scholarship is largely silent on the relationship between rights and access to information. However, the findings from this case study reveal that the relationship between rights, justice and equality is important and that the public library does in fact play a key role ensuring access to information for patrons. In this discussion of the key findings, I argue that a broader conception of the public library ideal than is currently used in LIS is required to include the physical, intellectual, socio-cultural and rights (such as they are) aspects of Indigenous public libraries.

Based on the responses of both SNPL stakeholders and off-reserve stakeholders, this broader public library ideal is reflected in the patterns of library value that identify the public library as a public good. Through these findings on access to information, the public library ideal that describes an institution as one that provides access to information is therefore shared as an ideal by both on and off-reserve participants. The findings from the

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system for cataloguing, circulation, patron records, acquisitions, serials and a web-based public catalogue. Other off-reserve stakeholders mentioned training for learning how to manage the JASI.

SNPL access to information patterns confirm this public library ideal is context-specific. It shows how specific Haudenosaunee, Six Nations of the Grand River, Indigenous library collections and contemporary literature and a wide range of services make life easier for Six Nations of the Grand River community and SNPL members. These findings show that current programs on offer such as film nights, a history circle and wills workshop support participation in the life of Ohsweken. Likewise, according to SNPL participants, Internet access both inside and outside the library is seen as a great resource for both managing the library but also for offering Wi-Fi. The findings on library value and access to information show how the SNPL mandate reflects their community's interest in supporting the information needs of their community in what, how and when public library services are offered.

Responses reflect the realization by SNPL participants that their library resources are also limited; that more space and a new building is needed; that more computers, more programs and sustainable funding would provide a better public library for the SNPL community (Appendix 4: Sample of SNPL Participant responses to Rights). Off-reserve participants did recognize that in general Indigenous public libraries are under-resourced and was a fact supported by Canadian reports on this issue (Burnham, 2017; O'Neil, 2016; Demers et al., 2014; DeYoung, 2014; Newman, 2004, 2011; Aboriginal Library Services Working Group and Mary Cavanagh, 2009; OFNPLSPLC, 2004; Blake, et al., 2004).

What is an Indigenous public library ideal? If the general Western public library ideal is described as socially just and equal; as a public good; and as a great equalizer where is the Indigenous voice in this ideal? When these sentiments are shared by both a SNPL participant and an off-reserve public library association participant how are these perspectives compared when evaluating public library ideal values in terms of equality and justness, when there is an unevenness in these services yet both Indigenous and non-Indigenous communities aspire to having similar or the same libraries? SNPL library values in the interviews reflect an Indigenous public ideal, which is similar to library value responses in off-reserve public libraries and confirmed by off-reserve participants as a public good (Newman, 2011; Demers, et al., 2014). As a SNPL participant mentioned "we are an Indigenous public library we just happen to be on reserve". In analyzing the Indigenous public ideal further through SNPL's physical, intellectual and socio-cultural

aspects a picture begins to emerge of inequalities and social injustice in the institutions that drive culture and social development. While SNPL is in a functioning building; connected to the world through informational infrastructure including the Internet; accessible using newer literacies including digital literacy skills; embedded in the institutional aspects of relationships and networks in a context-specific cultural setting, inequalities and social injustice underpins this. By questioning the Western, transcendentally institutionalized public library ideal, the discussion grounds Indigenous public libraries in a realization focused social, political, economic and cultural context. This contextual reality therefore broadens and deepens the discourse of the public library ideal. The absence of the recognition of library value for Indigenous public libraries in both the national Canadian well-being index and the Community Well-being Index indicates that Indigenous public libraries are not visible to the general public in spite of SNPL being valuable as a cultural, individual and collective resource for the SNPL community. As Roy and Hogan (2010: 116) state it is important for librarians to engage consciously with Article 27 of the UDHR that was included to protect minority and majority cultural rights, on collective rights to take part in cultural life, to understand the intersection between Indigenous rights and their cultural expressions and the services and philosophies in the mission of libraries. In spite of this the Community Well-being Index<sup>43</sup> for First Nations also fails to include Indigenous public libraries in their indicators of well-being. When comparing trends in First Nations and non-Aboriginal communities from 1981-2011, the community well-being gap between First Nations and non-Aboriginal communities is substantial<sup>44</sup> at 20 points lower than the average score for non-Aboriginal communities, which is the same size gap that existed in 1981 (Canada, 2015c: 2). While considered important according to the report, the “physical and emotional health, cultural continuity and environmental conservation which are commonly used for indicators of well-being” are excluded from this Community Well-being Index (Canada, 2015a: 9). This disparity is confirmed by both the international human rights report from the UN’s Special Rapporteur on the Rights of Indigenous Peoples,

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<sup>43</sup> The CWB records socio-economic well-being and trends at a community level in First Nations and Inuit communities. The CWB includes the following indicators: income, education, housing and labour force activity.

<sup>44</sup> The Registered Indian Human Development Index<sup>44</sup> (HDI) showed that from 1981-2001 the well-being of Registered Indians had been increasing but was lower than other Canadians. Due to variations in First Nations communities, the Registered Indian HDI was considered incomplete.



James Anaya, on the situation of Indigenous Peoples in Canada (UNGASS, 2014) and the Status Report of the Auditor General, 2011 (Canada, 2011). An important element of this discussion is public reasoning that includes Indigenous librarians and their collective rights.

When the public library ideal is seen through a broader concept of access to information, it draws on a wide set of indicators for social, economic, political, cultural equalities rather than subsuming Indigenous public library values within the Western public library ideal. The public library and therefore the public library ideal have social influenceability (a positive societal motivation for public libraries as a social good) and a history of engagement through public discussion (Sen, 1997; Buschman, 2008; Osburn, 2009). I argue that SNPL as an institution shows social influenceability as a result of SNPL community's ongoing engagement with and support for access to information throughout the history of the library's development since the 1960s. However, without a broader discussion on the relationship between access to information and the rights that pertain to the public library, the influence of the ethics in social justice, fairness and equality are not centre-stage in the Indigenous public library debate (Halpin, et al. (2015 Phenix and de la Peña McCook, 2005; Edwards and Edwards 2010; Mathiesen, 2013).

A key finding regarding rights is that there is a sense of unequal distribution of benefits to Indigenous peoples and that this is manifest as a sense of injustice amongst participants. There was an informal and general reflection that there was a right to access to information at SNPL and that SNPL was providing this service in a good way, in spite of the difficult conditions under which SNPL provides these services. Many of the SNPL responses therefore reflect rights as a moral issue. Off-reserve provincial library participants remarked on the equality of library services in relation to human rights, while other off-reserve participants remarked on human rights in relation to public libraries as being about accessibility issues. According to a public library intellectual, the 'right to a public library' would be hard to establish. Based on my review of LIS literature on rights and public libraries, social justice and equality, I argue that access to information is a basic human need and a fundamental freedom protected by a range of international rights. Therefore, based on the findings on rights and the literature reviewed, the public library as a social, economic and cultural right, can promote equal access to information at Indigenous public libraries through a range of rights.

There is a broad range of rights that affect access to information at SNPL and they are international, Canadian and Indigenous cultural rights. An obligation of the international rights regime is to support access to information through the relevant human and Indigenous peoples' rights, the UDHR and the UNDRIP respectively, as well as international human rights such as the ICCPR and the ICESCR. Indigenous cultural rights are part of the provisions of the UNDRIP ensuring access to culture, literature and technology. These Indigenous cultural rights came into full force on May 10, 2016 when Canada removed its objector status to the UNDRIP in an address to the Permanent Forum on Indigenous Peoples at the UN. The UNDRIP therefore provides a further opportunity to understand access to information from this perspective on Indigenous rights. However, as a library trustee reminded me in the interviews, "Canada came into those [the UNDRIP and the UDHR] kicking and screaming. They were not willing signatories to those documents. Have we seen them do anything? I haven't" (LFBP1). As the SNPL PIC and an Indigenous public library intellectual noted, the right to 'Freedom of Expression' wasn't in the treaties (LPIC1, PLIP3). "That's a new concept", noted an SNPL trustee. "It's in the human rights and all kinds of declarations now but I don't think you'll find any reference to that in the treaties. Education was provided for and housing and necessities of life. Libraries weren't considered" (LFBP1).

A main finding in the library governance pattern relates to culture. This finding was analyzed from general discussions on what culture means in relation to Indigenous public library value, rights and access to information. Specifically, Canada has an international legal obligation that supports the constitutional protection of Aboriginal cultural interests through the Aboriginal Treaty obligations supported by the ICCPR (Macklem, 2007; Brophy, 2014). In addition, the Canadian Constitution, 1982 supports the fundamental freedom of expression and opinion, which also plays a role in Indigenous cultural rights. In section 35 of the Constitution, the Rights of Aboriginal peoples, their Aboriginal and Treaty Rights, are supported by the Charter through Articles 15 and 25, as a positive right for social and economic development. When the public library is defined as a social and public service, the provision of these services requires a delivery mechanism and under their INAC mandate, Indigenous public libraries would be part of this service delivery mechanism and it is therefore the federal government's responsibility to provide sustainable

funding and capital investment in support of public libraries on reserves. However, ensuring equal distributive justice is challenging because Aboriginal and Treaty Rights, which includes Indigenous cultural rights, each reference different meanings for culture. While Indigenous public libraries are not part of the broader Aboriginal and Treaty rights or Indigenous cultural rights discussion, Canada's obligations in terms of international human rights (civil, political, economic, social and cultural rights) have been established and there is concordance with access to information at libraries.

There is ongoing support for Indigenous public libraries through the Ontario Library Association (of relevance because the case study is in Ontario) and the Canadian Federation of Library Associations (CFLA-FCAB). Both organizations support Indigenous public libraries through their Indigenous Task Group and Indigenous Matters group, respectively. Their advocacy work and interest in First Nations public libraries in Ontario and Indigenous public libraries (and cultural institutes) nationally emphasise the UDHR, the UNDRIP and the Canadian Charter as rights to be supported. Rights that specifically relate to public libraries are described in their national and provincial public library ethical statements, which embeds these social and cultural institutions in Canadian society.

In Canada, the Canada Human Rights Act, 1985, which addresses non-discrimination of human rights in Canada does not draw on 'freedom of expression' and the 'right to take part in cultural life' specifically (although they are provisions in the UDHR, ICCPR and the ICESCR as discussed in the literature review) as goods and services to be implemented through a public library. Canadian human rights are also quasi-constitutional and since there are no known common law cases of violations on denying access to information at a public library, there is currently no precedent for social action.

The ICCPR and the ICESCR are convention rights and are legal human rights. They are derived from a particular social and historical context of basic rights to fulfill other basic human rights, such as civil, political, cultural, social or economic rights (Tomalty, 2017). Inherent in these rights are the general principles of inclusivity, promotion, respect, and enforcement of the rights, which are supported by institutions that distribute justice (Jørgensen, 2006; Vizard, 2006). I draw on a number of issues in support of my position that access to information is not supported equally, fairly or justly at Indigenous public libraries. For example, Canadian human rights, through the Canadian Human Rights Act,

1985 take precedence over international human rights obligations to which Canada is a signatory and this situation results in Indigenous peoples' limited access to the benefits of international human rights protection in Canada. In addition, the non-discriminatory clauses in the Canadian Charter of Rights and Freedoms, 1982 and the non-discriminatory clause of the CHRA, 1985 may violate Indigenous peoples' civil, political, social, economic and cultural rights when social and economic service delivery is not protected in the equal distribution of justice.

The Canadian Charter is a piece of legislation that protects public interests and some private interests. One of the contested issues in the Canadian Charter is whether Aboriginal power is also part of this public interest, which affects social, economic and political matters for Indigenous peoples. The Indian Act, the Elected Band Councils, the nation-to-nation treaty arrangements and the inherent right to self-government can be interpreted by the judiciary as either in the public or private interest. If it is in the private interest, then the judiciary would be interpreting the Charter rights as one of Indigenous difference. However, if interpreted in the public interest, then these social, economic and cultural rights would be positive obligations and be supported through the Charter (Macklem, 2007). In this respect, Article 15 of the Charter states that there should be no discrimination on benefits and burdens among individuals. In addition, Article 25 states that the judiciary are to interpret the Charter rights with no abrogation or derogation from rights to Aboriginal peoples (repeal of section 67 of the CHRA, 1985). These articles refer to the social and economic rights, which INAC is mandated to support. However, while the "contemporary law of non-discrimination has co-evolved with mechanisms to accommodate Indigenous claims and rights" in section 35 of the Constitution (Gover, 2016: 285) this has also created a tension between sovereignties – Indigenous and Canadian – that affect legal and political institutions (Webber, 2016).

It is within this context of co-existing mechanisms and INAC's mandate that I understand 'equality' in the context of this dissertation. Discussing the two parts of the Charter together emphasizes their effect on service delivery, community infrastructure development and Aboriginal and treaty agreements and in turn, access to information at Indigenous public libraries. Yet, Indigenous public libraries are absent in the structure of the federal government. Legislation that would apply to these public institutions through a

service delivery mechanism is also missing for reserves. I contend that since access to information at an institution that affects well-being is a social and economic development issue and service, the Canadian state is obligated, through the Constitution Act, 1867, 91 (24)<sup>45</sup> and through Parliament that enacts laws related to ‘Indians’ and ‘lands reserved for Indians’ to manage this portfolio (i.e. funding of public, community libraries or access to information through the equality of physical, intellectual and socio-cultural structures). This law (91 (24)) is a particular “legislative measure aimed at a class of persons who can claim ‘Indian’ status and the territory for such a person” (Macklem, 2007: 13). The implication is that due to the Parliamentary responsibility for persons (with ‘Indian’ status and territory), the provinces cannot enact laws that affect Indigenous public libraries, which are located on reserve. Therefore, while SNPL and Indigenous cultural rights are supported by the international human rights regime including in the UNDRIP, reports on the Rights of Indigenous Peoples (UNGASS, 2014), the Human Rights Council’s Working Group (UNGASS, 2009) and the Auditor General (Canada, 2011) document that these rights are not fully realized in Indigenous communities.

The key finding in the library governance pattern is that the arrangement between institutions responsible for Indigenous public libraries affect funding, including at SNPL. Indigenous public libraries are not the mandate of the federal government. This finding is an outcome of discussions with participants at SNPL. Off-reserve participants also elaborated on some of their organizational mandates that also explained this finding. The discussions were mostly about the local political situation of the Six Nations of the Grand River in relation to Haudenosaunee Hereditary Council and the Six Nations Elected Council, federal policies and historical injustices. The discussions also reflected funding and service delivery issues. As an independent and governing library board, SNPL is deeply affected by local, provincial and federal politics and it is within this context that they meet

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<sup>45</sup> Distribution of legislative powers of the Parliament: Constitution Acts, 1867-1982, 91 (24) as: 91. It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons, to make Laws for the Peace, Order, and good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater Certainty, but not so as to restrict the Generality of the foregoing Terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say, (24) Indians, and Lands reserved for the Indians.

their library mandate of ‘All Things Six Nations’ to provide an information service to the community. The SNPL PIC, Board, staff, community partners, trustees and patrons support the library’s role in informational well-being of the SNPL community and for those people who visit, work, support or partner with the library.

In the findings on institutional relationships, the provincial government’s support for libraries was a separate issue from federal government issues in relation Indigenous public libraries and access to information. This may reflect the view that the provincial government’s policies in relation to First Nations public libraries, including SNPL, were seen as supportive (PLIP1&2). In this respect, First Nations public libraries are promoted in Ontario by the provincial government through the Public Library Department of the Ministry of Tourism, Culture and Sport. SOLS and OLS-N, two transfer recipient organizations. It was made clear by provincial government participants (PLIP1&2) that provincial funding is for content development of collections and training and not capital investment for libraries. My review of Section 88 of the Indian Act (Canada, 1876), shows that the province only provides funding for these types of services – operating and salaries – that do not impinge on the Indian Act and is explained as follows:

The legal right of ‘General Provincial Laws Applicable to Indians’ as “Subject to the terms of any treaty and any other Act of Parliament, all laws of general application from time to time in force in any province are applicable to and in respect of Indians in the province, except to the extent that those laws are inconsistent with this Act or the First Nations Fiscal Management Act, or with any order, rule, regulation or law of a band made under those Acts, and except to the extent that those provincial laws make provision for any matter for which provision is made by or under those Acts.”

This funding support from the provincial government can therefore be perceived as the government supporting access to information as a human right and as a moral obligation (an imperfect obligation). Since Indigenous public libraries are not part of the federal mandate because of their constitutional mandate and the Canadian state’s nation-to-nation treaty relationship, Indigenous cultural rights are not established at the provincial level for First Nations public libraries. Therefore, this provincial funding and support is not part of the Crown-treaty relationship because treaty discussions are with the Canadian federal government. Six Nations of the Grand River also discuss their treaty relations with the Governor General because of the historical treaties with the British Crown.

An exact relationship between Six Nations Public Library and the Haudenosaunee Hereditary Council is not clear. However, the presence of the Council is felt in various ways. Since the Haudenosaunee Hereditary Council was removed in 1924 and re-installed in 2006, their renewed role in discussions on the historical treaties with the Crown and federal government, will have a longer-term effect on SNPL. The SNPL Board are aware of their sovereignty in the nation-to-nation treaties. The discussions on the nation-to-nation Kaswentha and Silver Chain Covenant treaties are ongoing but positive outcomes with the Canadian federal government having the potential to provide resources for Six Nations of the Grand River Territory. The presence of the Six Nations of the Grand River Territory in these negotiations affects the recognition and political positioning of SNPL in the community and within the provincial and federal governments.

Six Nations Elected Council has a direct relationship with SNPL, but SNPL is not governed by the Six Nations Elected Council and operate as an independent Board. The Six Nations Elected Council provides the SNPL building as an in-kind contribution to the library as well as funding for the library, which is taken from gaming amongst other sources. Since there is no specific budget line item from the federal purse to the Six Nations Elected Council for SNPL specifically, SNPL is included in the Six Nations Elected Council's community development plan. This relationship is also linked to funding. The Six Nations Elected Council's overall support for SNPL was expressed within its own constraints including funding. It is unclear whether the Six Nations Elected Council recognizes the importance of SNPL in the community. However, the Elected Council uses the UNDRIP in its deliberations with the federal government and this rights-based mechanism also drives their guiding principles to provide funding to the community.

To explore the federal institutional and funding findings further I referred to the Indian Act. This Act is the focus of many of the Indigenous economic, social, political and cultural complexities in relation to reserves and their historical development. As Sanderson, (2016: 323) notes that while the Act does the following badly it is nevertheless important work: It "sets out the powers of Indigenous governments, creates a system of land holdings and property interests, provides for the education of Indigenous children (because provincial legislation does not extend to the Indian reservations), establishes programs for financial assistance, provides for the legal authority to issue warrants in Indigenous

communities to maintain peace and order, determines who is and who is not legally an Indian person and sets out the electoral process in Indigenous community elections” (Sanderson, 2016: 323).

An analysis of funding for SNPL confirms that there is no funding for capital investment from the federal government through INAC to build public libraries specifically even if these institutions are requested or supported by First Nations. Indigenous public libraries are not recognized in any specific federal mandate. They are a matter for the local Indigenous community and driven by the community through the development of their community plans. However, with limited funding being allocated to reserves by the federal government and explicitly linked to community plans this becomes problematic when access to information through Indigenous public libraries is not recognized as a basic need. They are also not always seen as a priority in the context of other basic needs like water, housing, health care or education from the First Nations community funding. In addition to this as stated by Borrows (2016) there is also ambiguity over service delivery mechanisms so should Indigenous libraries be included in the federal service delivery mandate, this ambiguity would also be the case for Indigenous public libraries (Borrows, 2016). According to Borrows (2016), federal control of service delivery means that there is no clarity on service levels, which are based on per capita expenditures for basic government services. These services are also policy based and not legislated, so First Nations cannot plan or control the delivery of services since there is no measurable legal standard. The federal government is responsible for funding Indigenous social and economic development, but with Indigenous public libraries not being part of any federal social and economic development mandate, this is problematic for an institution whose purpose is to pursue decent and sustainable access to information for its community. Sanderson (2016) confirms that there are provisions for federal funding and services for Aboriginal peoples related to the provisions of the Indian Act, however, these funding mechanisms are complex. While the Indian Act has been amended over time, it continues to stand as a major legal and constitutional instrument for Indigenous social and economic development and Crown relations (Sanderson, 2016). According to Julien and Anderson (2003: 9), there is no clear understanding of how libraries respond to policy roles by a federal government that provides one-time funding for equipment, with no specific mandate to provide library



services or funding for those services. In 2018, it appears that little has changed in this respect (Howlett, 2013).

Other social services, including education, fall under the mandate of INAC, which supports Canada's Aboriginal people and Northerners in their broader economic and social development objectives. As a result, one of the only possible relationships with the federal government is if Indigenous community or public libraries are located within the federal education mandate and established in schools or community centres. This is confirmed by O'Neil (Ktunaxa) (2016: 7) who states that First Nations community libraries are "considered infrastructure and funded through federal government INAC infrastructure programs". As a result, on-reserve libraries compete with other community-based federal infrastructural funding needs such as water, sewage, schools and community infrastructure but are not seen as a priority when there is insufficient funding in general (O'Neil, 2016). First Nations communities' libraries are therefore often incorporated into community halls, community offices or cultural centres. For those communities without libraries or cultural memory institutes, these must be identified as future projects in their comprehensive community plan (CCP). For libraries to be included in these plans however, the community "must understand the value of libraries and related services to their community, and therefore demand a library be part of their community" (O'Neil, 2016: 8). This is the case at SNPL, which is included in Six Nations' community plan but there is still inadequate funding. Resolving the funding issue at SNPL is part of the Six Nations Public Library Board's mandate. The funding for the library is therefore part of a complex federal-provincial discussion. There is some support for Indigenous public libraries through LAC for digitization projects, which is associated with the federal department Canadian Heritage. However, these projects are grant specific and are not a federal capital investment in the physical development of Indigenous public libraries on-reserve.

Should the federal government take on the responsibility of Indigenous public libraries, then more than the 45 First Nations communities with existing libraries would need assistance with their information needs. However, according to the SNPL PIC (LPICP1), there are more than 600 rural and remote communities in Canada, including many First Nations and Métis communities, that do not have libraries. This participant added that each community would need funding for start-up and operating costs as well as

other grants and concluded that “it’s safer for them [the federal government] to have the stock answers because they don’t know how to respond to the 45 who are in a desperate need without addressing the [rest]” (LPICP1).

The relationship between the SNPL and the federal government is inconclusive since there is no direct funding at a federal level for social and economic development for Indigenous public libraries. The systemic issues of inequality that exists in access to information through information infrastructure, building capacity, ICT planning for participating in the knowledge economy, improving service delivery, and increasing civic engagement still need to be addressed more fully at a federal level (Borrows, 2016; Newman, 2016, Slattery, 2016). It is the nation-to-nation treaty relationships between First Nations and the Canadian State and Aboriginal and Treaty Rights that include Métis and Inuit, which also embeds SNPL in the contemporary politics of on-reserve development, including how access to information is delivered to Indigenous public libraries.

## **5.6. Conclusions**

Without reflecting on the complementarity of human and legal rights and the imperfect and perfect obligations that support access to information in Canada for Indigenous public libraries, an important perspective is missing in discussions. In the context of this complementarity, public libraries are embedded in civil, political, social, economic and cultural rights at a local, provincial, federal and international level to enable access to information, but this relationship is not clearly articulated in scholarly literature. As a result, they do not appear to be part of general discussions on human rights in relation to freedom of expression or the right to take part in cultural life in the context of Indigenous public libraries in Canada. For these rights to be articulated as an Indigenous cultural right, it would require advocacy work with both the federal and provincial governments by Indigenous librarians and allies wanting to pursue this through library associations, which includes the emerging Indigenous library association, NALA. My research demonstrates that in the context of SNPL, access to information as just, fair and equal is only partially recognized as a moral obligation by the Six Nations Elected Council or the provincial government who provide positive support. But is absent in the deliberations of the federal government as a social, economic, or political issue; only marginally recognized as a

heritage obligation; and poorly recognized as a human right. As an Indigenous peoples' right, Indigenous public libraries have been recognized by the Assembly of First Nations and with the UNDRIP only adopted in 2016 there is no research on this to date.

## **CHAPTER 6: EVALUATION OF THE ADAPTED CAPABILITY APPROACH FRAMEWORK**

There is a complex pattern of rights-duties correspondences in structured ethics, which can help to explicate the evaluative framework of human rights, which yield imperfect as well as perfect obligations.

*Amartya Sen (2004: 341)*

### **6.1 Introduction**

In this chapter I evaluate the capability approach framework, which is an adapted version of Sen's (1997, 2004, 2009) and Vizard's (2006) capability approach developed in the theoretical framework in Chapter 3. In this evaluation I use the key findings from the case study analysis to understand the inter-relationships between substantive freedoms (functionings and capabilities) inherent in the concept of access to information in the context of international and domestic rights obligations that effect SNPL.

The evaluation of the framework begins with a brief overview of how the informational functionings and capabilities were developed as substantive freedoms. This is followed by an evaluation of the framework through my reflection on these freedoms in relation to the obligations and rights that affect access to information, which I consider a basic human need.

### **6.2. Developing Informational Functionings and Capabilities from Six Nations Public Findings**

A key finding in the case study analysis is that having access to information also describes library values and well-being. Library values are therefore identified as informational functionings and are the foundation of my adapted capability framework (Table 11 below shows the functionings). The library values elicited from SNPL and off-reserve participant responses indicates how and why the library is used and implies that the library is valuable because it fulfills different informational needs (Appendix 5: Functionings at SNPL). The responses reflect needs such as a Six Nations need to be social within one's own culture; an innovation need to develop ideas; a basic human need to use the facilities at the library, including the comfortable setting; an information need to gain knowledge by being

informed or reading documents related to one's own culture or contemporary literature; the need to be literate, including digital literacy and online learning; the need to communicate with others either online or offline; the need for safety by being in a building that supports a safe and friendly environment; and the cultural need to take part in cultural life by attending programs and events that reflects one's culture. These responses reflect personal and human values related to the concept of access to information at SNPL. These individual values reflect well-being because the value is seen as enhancing one's 'being' or 'doing', which is constitutive of well-being.

**Table 11: Substantive Freedoms – Informational Functionings**

<p>SUBSTANTIVE FREEDOMS</p> <ul style="list-style-type: none"> <li>• <b>Functionings</b></li> <li>• Capabilities</li> <li>• Well-being</li> <li>• Agency</li> </ul>	<p><b>Informational Functionings:</b></p> <ul style="list-style-type: none"> <li>• being social</li> <li>• being communicative</li> <li>• being successful</li> <li>• being literate, informed and interested</li> <li>• having community and personal safety</li> <li>• being able to take part in community life</li> <li>• being cultural and doing cultural activities - to be Six Nations or Haudenosaunee</li> <li>• being educated and learning</li> <li>• being innovative</li> <li>• being empathetic</li> <li>• being employed</li> <li>• being recognized as needing access and using free resources if one cannot afford informational resources for well-being</li> </ul> <p><u>Summary:</u> Being informed, literate, cultural, social, and recognized</p>
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According to Sen (2009), people pursue things that they value in life. These library related values reflect basic human needs or what Sen (1997) calls functionings. While the value statements reflect individual values, these statements are not experienced in isolation and are identified as combined informational functionings that enhance well-being. I argue that because SNPL provides the services that support informational functionings (informational values), the values are also community values and contribute to the overall concept of the

public good of SNPL. According to Sen (1997), achievement refers to accomplishment and that freedom is the real opportunity to accomplish what it is that is valued.

However, these functionings are affected by institutions and as Sen (2009) notes, we live in a world of institutions. Therefore, based on the functionings I identified, I further develop an informational capability set based on key findings from the case study analysis. This is done to understand how capabilities or opportunities to achieve what is it that one chooses to value is affected by access to information at an Indigenous public library. Based on Sen's theory, capabilities are converted into functionings through personal conversion factors, as well as social and environmental conversion factors. For example, I interpret personal conversion factors as the informational functionings reflected in SNPL and off-reserve participant library value statements. In this way, individual capabilities are developed in the different interpersonal conversions of the library as an informational service. Social conversion factors, on the other hand, are social factors related to people and communication as provided by social institutions (for example, the SNPL).

According to Paré and Smeltzer (2013) and Sen (1979), the inequality in economic factors is a social justice issue since it makes the conversion of capabilities into functionings difficult. The 'rights' that could enhance the conversion factors – social, personal or environmental factors - are social, economic, cultural, political and technological rights, which contribute to the equality debate. Since the library value statements are my interpretation of functionings, they are also the focal point for a capability set in the context of SNPL, as a social and cultural institution. Since capabilities are “central to a person's actual ability to do the different things that he or she values doing” those institutions that enhance this actual ability are important (Sen, 2009: 253). The inter-relationship between functionings (a person's being), capabilities (a person's achieved functionings or opportunities) and institutions (the library in support of informational functionings) is the focus of this evaluative framework.

I describe SNPL as a capability-enhancing institution because participants in the research placed intrinsic importance on their freedom to choose between services offered at SNPL that they value and that have the potential to enhance their well-being. An example of interpersonal differences where there is no choice are reflected in the digital divide in the 21<sup>st</sup> century. This divide shows interpersonal differences between those who have

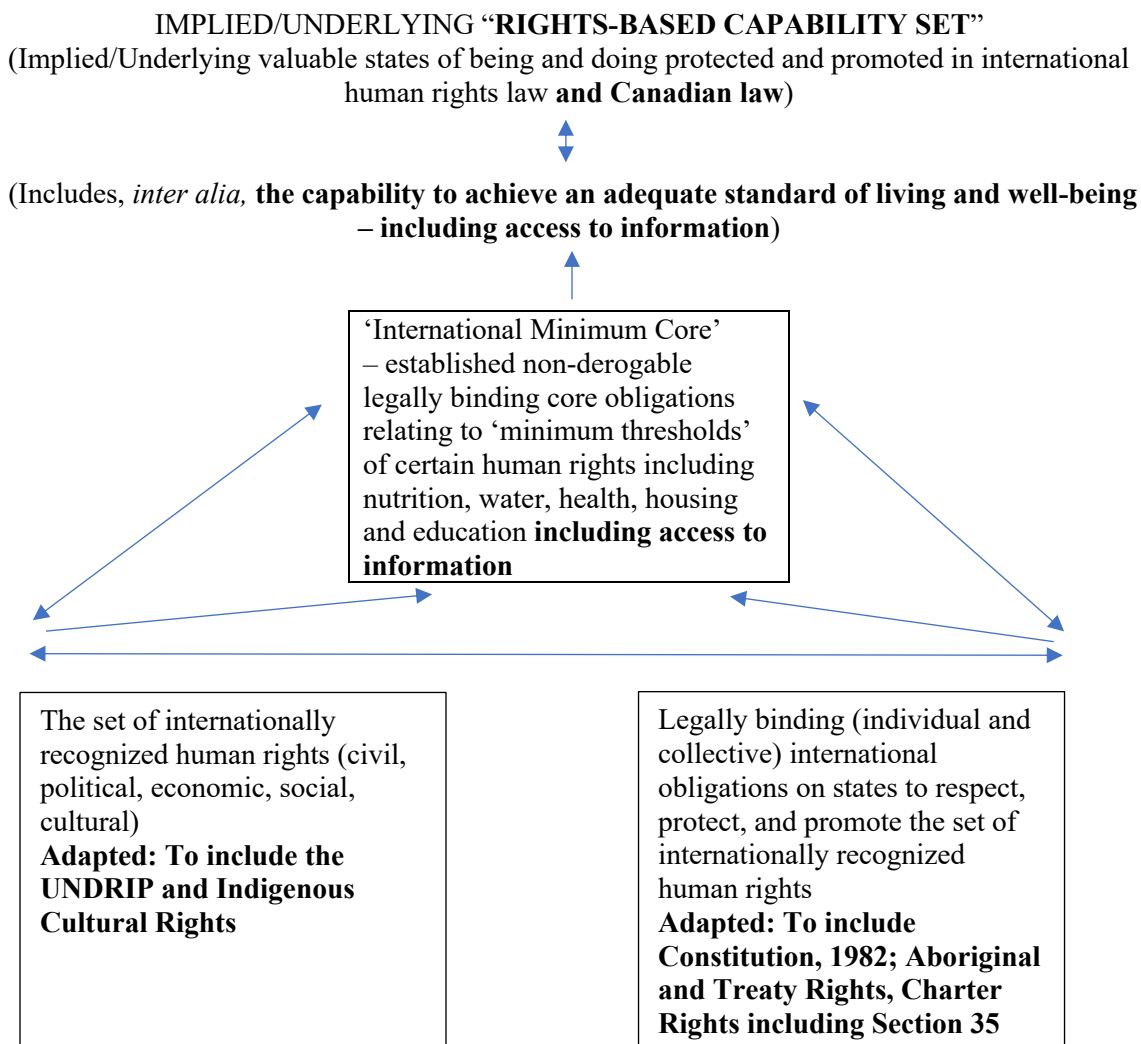
access to information, for example, using the Internet, and those who lack access (Becker et al., 2010, 2011). The responses in the findings on access to information therefore provide insight into why the SNPL is an important part of an informational capability-set for both individual and community well-being. The actual opportunities a person has through SNPL defines a person's overall capabilities that they experience by accessing information. Table 12 shows the informational capabilities that are an outcome of the informational functionings.

**Table 12: Informational Capabilities**

<p>SUBSTANTIVE FREEDOMS</p> <ul style="list-style-type: none"> <li>• Functionings</li> <li>• <b>Capabilities</b></li> <li>• Well-being</li> <li>• Agency</li> </ul>	<p><b>Informational Capabilities:</b></p> <p>Capabilities: Communicating, reading, listening, informing, socializing, and recognizing</p> <p>Capabilities-Enhancing:</p> <p>I SNPL institutional relationship with community  II Haudenosaunee Hereditary Council and SNPL  III Six Nations Elected Council and SNPL  IV Federal government and SNPL  V Provincial government and SNPL  Library associations</p>
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In this sense SNPL community members generate capabilities from the goods and services offered at SNPL through their personal and social conversion of their access, into a range of well-being functionings. For convenience, I have included my adapted capability framework developed in Chapter 3 as Figure 4 (following page).

**Figure 4: Adaption of Vizard’s (2000, 2006) Combining ‘Capability Space’ with a Supplementary Theory of International Human Rights Law to Include Access to information, Indigenous cultural rights and Charter Rights**





### 6.3. Evaluating the Adapted Capability Framework

I use the research findings to evaluate my adapted capability framework, which corresponds to Vizard's (2006) concepts of substantive freedoms, and meta-rights and obligations (Figure 5: Main Elements of the Adapted Capability Approach). My substantive freedoms are divided into informational functionings and informational capabilities, which are discussed within the context of meta-rights (Table 13). Meta-rights include entitlements (legal) and human rights as well as perfect and imperfect obligations. I also use the complementarity of legal and human rights because, as Sen (2004: 341) states, there is "a complex pattern of rights-duties correspondences in structured ethics, which can help to explicate the evaluative framework of human rights, which yield imperfect as well as perfect obligations."

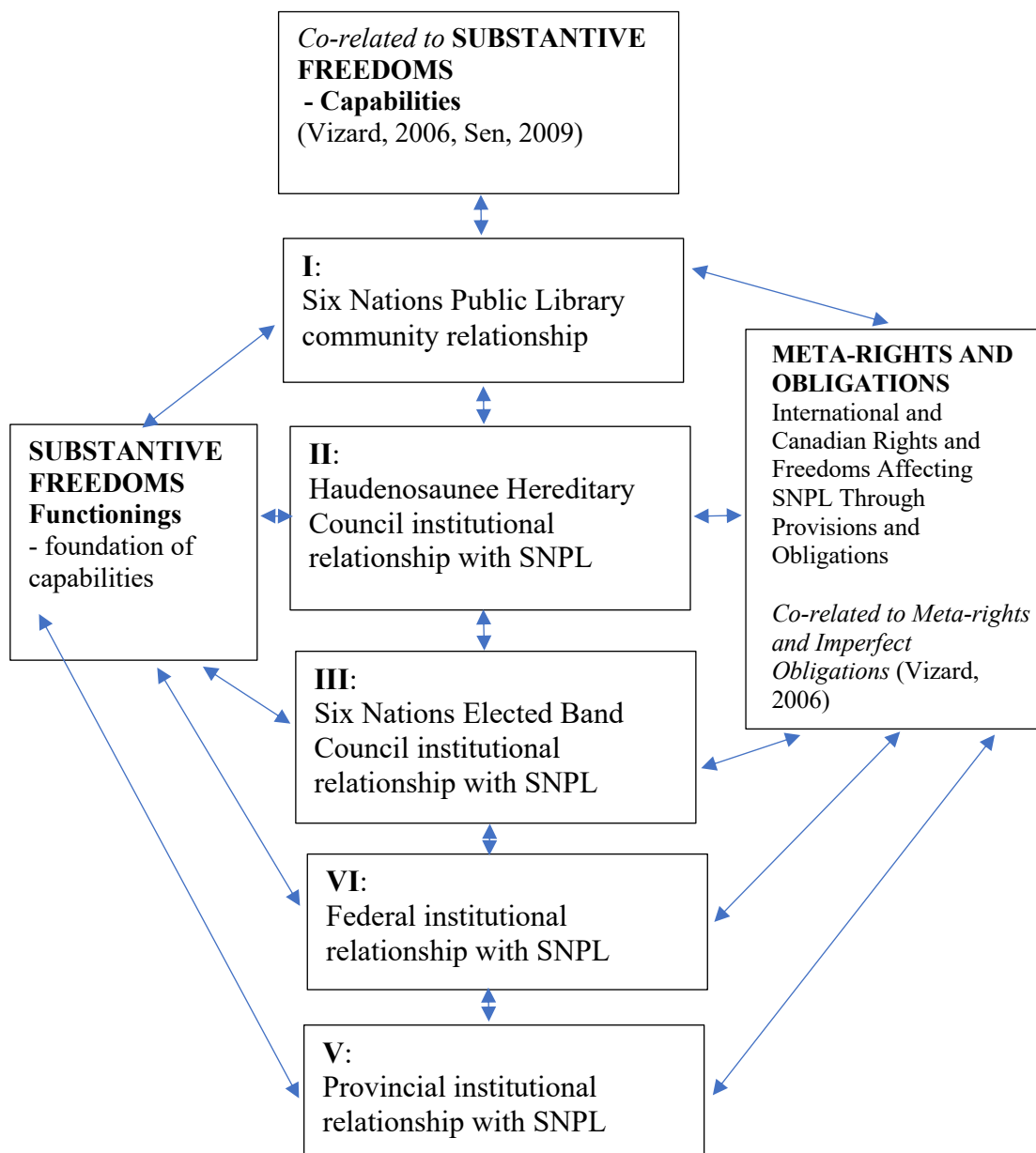
**Table 13: Meta-rights and Obligations**

<p>META-RIGHTS and OBLIGATIONS</p> <ul style="list-style-type: none"> <li>• Entitlements</li> <li>• Human Rights</li> <li>• Imperfect and Perfect Obligations</li> </ul>	<p>Meta-rights:</p> <p><u>Imperfect obligations:</u>          UNDRIP, UDHR (aspirational rights)          CFLA-FCAB and OLA ethical statements</p> <p><i>Between the two sets of rights and obligations: Indigenous interpretations of rights and obligations:</i>          Haudenosaunee Hereditary Council and the Kaswentha, the Silver Covenant Chain Treaties          Six Nations Elected Council guiding principles          SNPL strategic vision</p> <p><u>Perfect Obligations:</u>          ICCPR, ICESCR, Canadian Charter rights, Aboriginal and Treaty Rights (legal rights)</p>
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In Table 13 I have located 'Haudenosaunee treaties (Haldimand treaty), Aboriginal and Treaty Rights (recognizing their contested embeddedness in the Canadian Constitution) , Six Nations of the Grand River Territory rights, the Six Nations Elected Council guiding principles and the SNPL strategic vision' between the two sets of rights and obligations to reflect an Indigenous interpretation of rights and obligations and to show the influence of international and Canadian rights on the capability-set. The international and Canadian

rights and obligations are also outlined in Table 13, showing that international human rights are a set of internationally recognized human rights (civil, political, economic, social, cultural) as well as human rights and quasi-constitutional rights in Canada.

**Figure 5: Main Elements of Adapted Capability Approach**



In summary, my adapted version of Vizard's (2000, 2006) framework (Figure 4) includes the core minimum, access to information as a basic human need, the rights and obligations and institutions that are the foundation for the complexity of the inter-relationships between

levels of governance and the funding mechanisms in relation to meeting this basic need to access information at SNPL. Figure 5 shows the main elements of my adapted capability approach from the analysis of the key findings.

In the evaluation of my adapted capability approach, I position my findings within the theoretically predicted framework of Sen (2009) and Vizard's (2006) substantive freedoms and rights-based capability approach. A key finding is that rights relate directly to access to information but that this was also a justice, social justice, recognition and equality of resources issue perceived as important to the SNPL community. As I evaluate the adapted capability approach, I try to understand how each institution – local, federal and provincial – reflects social justice and equality. I also reflect on how the various rights and their provisions and obligations converge on matters of justice, equality and fairness in terms of funding, public provisions, and service delivery especially in relation to Indigenous culture (Borrows, 2016; McMahon, 2016; Macklem, 2006; Macklem and Sanderson, 2016; Hill, 2017; Slattery, 2016; Sanderson, 2016; Monture, 2014).

Capabilities based on the informational functionings were then evaluated in relation to the mandates of five institutions, using the themed findings from the interviews on library governance, rights and access to information. The formal institutions are SNPL, the Haudenosaunee Hereditary Council, the Six Nations Elected Council, the federal and provincial governments. These institutions were identified through the interviews and secondary sources as the basic social institutions that have a relationship with SNPL. They were seen as potentially capability-enhancing institutions that enable or do not enable a range of freedoms in the choices made available to individuals and the SNPL community and that embed rights and imperfect and perfect obligations in their mandates and policies. Informal library associations also contextualize the findings from the analysis through their complementary advocacy work for many of the rights identified.

Table 14: Adapted Capability Approach Framework Summary of Outcomes (following page) outlines the findings of the case study related to the functionings, capabilities and meta-rights and obligations as discussed throughout the analysis. This table is derived from Vizard (2006).

**Table 14: Adapted Capability Approach Framework Summary of Outcomes**

<p><b>SUBSTANTIVE FREEDOMS</b></p> <p>Functionings Capabilities Well-being Agency</p>	<p><b>Functionings:</b></p> <ul style="list-style-type: none"> <li>• being social</li> <li>• being communicative</li> <li>• being successful</li> <li>• being literate, informed and interested having community and personal safety</li> <li>• to take part in community life</li> <li>• being cultural and doing cultural activities - to be Six Nations or Haudenosaunee</li> <li>• being educated and learning</li> <li>• to be innovative</li> <li>• to be empathetic</li> <li>• to earn a living</li> <li>• to access and use free resources if one cannot afford informational resources for well-being.</li> </ul> <p><b>Capabilities:</b> Communicative, literate, informed, cultural, social, and recognized</p> <p><b>Capabilities-Enhancing:</b> I SNPL institutional relationship with community I Haudenosaunee Council and SNPL III Six Nations Elected Council and SNPL IV Federal and SNPL V Provincial and SNPL</p>
<p><b>META-RIGHTS</b></p> <ul style="list-style-type: none"> <li>• UDHR – human rights</li> <li>• UNDRIP – individual and collective human rights</li> <li>• ICCPR, ICESCR - international legal civil, political social, economic, cultural rights. Obligations in relation to access to information leads to articulation of cultural rights on freedom of expression and right to take part in cultural life framed in Article 31 of UNDRIP.</li> <li>• Canadian Charter rights and Aboriginal and Treaty Rights in relationship with Haudenosaunee Kaswentha and Silver Covenant Chain treaties, the Six Nations Elected Council guiding principles, SNPL strategic vision affected by CFLA-FCAB and OLA ethical statements.</li> </ul> <p><b>OBLIGATIONS</b></p> <ul style="list-style-type: none"> <li>• UDHR and UNDRIP – moral claims to culture where Indigenous public library has social influenceability and some public support.</li> <li>• ICCPR and ICESCR – positive obligations for civil and political society to provide access to information for political participation and knowledge; and social and economic and cultural development as ethical legal mandate of international community and obligation of Canada currently absent from federal discussions.</li> <li>• Canadian legislation - negative non-interference of fundamental human right to freedom of expression and the right to take part in cultural life – currently absent for Indigenous public libraries.</li> <li>• Kaswentha and Silver Covenant Chain Treaties - positive obligations of Canadian state regarding social and economic development on access to information including through INAC – currently absent and therefore affects substantive freedoms to achieve life goals.</li> <li>• Some federal departments assisting Indigenous public libraries through digitization projects but no capital investment in facilities or sustainability of these service points (E.g. LAC).</li> <li>• Six Nations Elected Council and their local position as reflection of positive obligations on the promotion and respect for UNDRIP’s Article 31 and rights and freedoms in relation to political, civil, social, economic and cultural development for access to information – some in-kind support.</li> <li>• Some provincial support (connectivity, training, resources, operating grant and salary for First Nations public libraries in Ontario) (E.g. SOLS and OLS-N)</li> <li>• Some advocacy for Indigenous public libraries through CFLA-FCAB (Indigenous Matters committee) and OLA (Indigenous Task Group in Ontario where case study located).</li> <li>• Some other provincial library association support (FOPL). (E.g. scholarships in the past for librarians, advocacy work for libraries)</li> <li>• No Indigenous public libraries association to represent multi-stakeholders in Indigenous public library development (E.g. NALA is an emerging organization)</li> </ul>	

#### **6.4. Outcomes of the Evaluation**

I discuss eight key outcomes from the evaluation of the adapted capability framework. In summary, this evaluation demonstrates that it can be used to evaluate the relationships between rights and these obligations through institutions to discern whether or not they are capability enhancing.

1. My interpretation of the key findings from the case study analysis shows that SNPL is a capability-enhancing institution because it provides a range of informational services that supports well-being through the services that it offers. This reflects what Vizard (2006) refers to as the 'freedom from' the lack of access to information when libraries are considered of value to an individual and community. Wolff and De-Shalit (2007) used the capability approach as an evaluative tool to show the relationship between low functionings and disadvantage, and in my adapted capability approach, SNPL is a capability-enhancing institution that shows high functionings and advantage. This is because it both supports substantive freedoms and the ability of individuals and communities to make choices.
  
2. The case study methodology allows an evaluation of the capabilities that affect informational well-being through an Indigenous community library on-reserve. This research allowed me to evaluate Indigenous and cultural rights and their role in SNPL discussions to explore distributive justice through political, social, economic, technological equalities and inequalities and justice and injustices. In this regard, this research provides a unique case study in that Indigenous cultural rights in Canada are included as a factor in analyzing the case. Chopra and Duriappah (2008) test their theory based on the capability approach to understand equality freedom through the dynamics of institutions and how they 'capture' rents by excluding some individuals and communities, but not others, in segmented societies. An outcome of the analysis of the key findings in my study highlights injustices in the complexity of institutions that exclude Indigenous public libraries in their mandate and that the human rights that distinguish between public services and the resources they provide is discriminatory. Both the Canadian Human Rights Act, 1985 and the Canadian Charter Rights and

Freedoms section 15 (of equality and non-discrimination) conflict in terms of a non-discriminatory service delivery under section 35 of the Charter. In addition, the CHRA, 1985 provides limited provisions for recourse for complaining, which is confirmed by the Human Right Commission (2011) and Brodsky (2014). Thus, international and domestic obligations in support of access to information is a topic of discussion for Indigenous public libraries.

3. In support of using Sen's five freedoms (political freedoms, economic facilities, social opportunities, transparency guarantees and protective security) Chopra and Duriappah (2008) show that the efficiency and effectiveness of institutions influence capabilities when informal institutions are in place for people to exercise their rights and freedoms, and that these institutions work synergistically with formal institutions. Similarly, the findings that the OLA and the CFLA are informal institutions that both support the Canadian Charter and the UDHR, suggests that they influence capabilities. This is particularly evident when the provincial government through the MTCS and their Ontario public library agencies – SOLS and OLS-N – provide some funding for both SNPL's and other Indigenous public libraries in Ontario. Other library organizations such as the Federation of Ontario Public Libraries (FOPL) are also active in advocating for Indigenous public libraries. An emerging Indigenous library association (NALA) in collaboration with the CFLA is also active in advocating for these libraries.
4. Scholars have noted a number of unresolved issues in applying and evaluating the capability approach (Vizard, 2006; Robeyns and Brighouse, 2010; Sen, 1999; 2009) while other scholars suggest that the approach is incomplete (Lelli, 2008; Robeyns, 2008; Mehrota, 2008). However, this incompleteness was useful in my adapted capability framework. I was able to include my choice of informational rights to the question of Indigenous public libraries. I developed the adapted framework based on two main elements of substantive freedoms and meta-rights and used my interpretation of functionings and capabilities based on the SNPL case study. In doing this, the framework allowed me to review institutions that are involved in the complexity of functionings and capabilities. In addition, by co-relating institutional mandates and

policies with human and legal rights and their obligations with regards to access to information at an Indigenous public library, how individuals generate value from the capabilities became clearer. The framework was therefore appropriate for the multi-dimensional analysis of the findings around five institutions, four sets of key findings around four themes, and international human rights law and Canadian legislation.

5. Sen (2004, 2009) and Vizard (2006) focus on the elucidation of a sub-class of fundamental freedoms and human rights and obligations. My framework uses this sub-class of freedoms to understand how access to information at a public library allows freedoms or opportunities to be achieved when the institution is capability-freeing. It focuses on how individuals generate capabilities from the goods and services of this social institution through personal and social conversion factors. A deprivation in these goods and services impacts basic freedoms and exposes inequalities in Canadian society.
6. Vizard (2006) raises the issue on the apportionment of obligations and how much is required of the State and other organizations in supporting these obligations. I used Vizard's framework of substantive freedoms and meta-rights, which is based on international human rights, and complement this with specific international rights related to access to information. In addition, I included domestic legal rights to broaden the framework of rights to understand obligations and duties. In this way international human rights law is further understood within the context of Canadian legislation. By using the adapted capability framework, I therefore draw on the mandates and policies of a wider group of institutions than originally presented by Vizard (2006) and Sen (2009). The mandates and policies of local, federal and provincial institutions draw on additional stakeholders through the case study from Six Nations Public Library community participants and off-reserve library stakeholders. These stakeholders represent federal and provincial government organizations and departments as well as public library associations and public library intellectuals.
7. An adapted capability framework using an Indigenous public library as a case study (SNPL), provides a way to broaden the public library ideal as an opportunity-enhancing,

capability-enhancing and justice-enhancing social and cultural institution. My adapted framework therefore contributes to a model in which Indigenous and non-Indigenous public libraries can be reframed as social, political, cultural, economic and technological concerns within a human rights context in the 21<sup>st</sup> century. It also draws on the public library as both an individual and a collective right. The capability approach is essentially about individuals and their functionings. However, I argue, through this framework that capabilities are an alternative set of functionings and part of the collective. The institutions that enhance capabilities (through Indigenous public libraries for example) are part of this collective. Through an assessment of the types of institutions and their particular, context specific mandates, their justness, equality and fairness can be assessed for how they enable capabilities to be generated by individuals and communities.

8. A capability approach makes a strong argument for evaluating interpersonal informational differences to reduce injustice at a practical level (Vizard, 2006). Where governments or international rights mechanisms have the individual or collective obligation to respect, protect and promote access to information as a moral obligation if it will improve people's lives, then they are obligated to do that. However, I argue that obligations around basic human needs such as access to information in the 21<sup>st</sup> century, extends beyond a moral obligation. Service delivery of basic human needs such as water, health services and education and access to information is a basic human right. When moral obligations are defined as perfect obligations, prescribed in law in order to achieve an adequate standard of living then service delivery is mandated. Access to the Internet, freely available at Indigenous public libraries, is a basic human need and is therefore both a fundamental, negative legal right (as freedom of expression) and as a positive obligation of the Canadian State (as access to information service delivery). This negative right and positive obligations of the Canadian State to provide the delivery of an information service through the public library is reflected in the UDHR, the UNDRIP, ICCPR and ICESCR. It is also part of the Charter rights (through an interpretation of section 35, 15, 25 regarding Indigenous rights, equality and social and economic development). The Kaswenha and Silver Covenant Chain Treaties are treaty rights and



positive obligations of the Canadian state regarding social and economic development as part of Aboriginal and Treaties rights. Access to information that reflects an Indigenous cultural right could be included in INAC's mandate, but this is currently absent from their mandate and therefore affects substantive freedoms to achieve life goals. This adapted capability approach was useful in documenting these rights, treaties and obligations in relation to functionings and capabilities in the well-being of the SNPL community.

## **6.5. Conclusions**

The evaluation of my adapted framework shows that a capability approach that uses an adapted rights-based perspective can achieve a comprehensive overview of substantive freedoms to assess well-being. This framework was therefore useful for evaluating fundamental freedoms in the context of human and legal rights by applying these rights to a particular question: What is the role of rights in access to information? This framework is therefore analytically helpful in making the case for a rights-based approach in support of access to information at Indigenous public libraries.

This framework can also be applied to non-Indigenous public libraries in Canada, which has not yet been articulated in LIS literature. This framework builds usefully on Sen (2004, 2009) and Vizard's (2006) work by defining and highlighting substantive freedoms, rights and obligations that can be included in a public library mandate. This inclusion enables users to achieve well-being by emphasising the library's individual and community value in support of freedom of expression and the right to take part in cultural life, as social and cultural rights and Indigenous cultural rights. While the international obligations are both imperfect and perfect, without the capacity of Indigenous peoples to draw on these human rights in Canada, Indigenous public libraries will not be realized for their full benefit as an international human right and Indigenous cultural right to an Indigenous public library.

## CHAPTER 7: CONCLUSIONS

There is a misconception by bureaucrats that “Indians don’t want libraries”. On the contrary, people know what they want, and they do want libraries.

*Patterson, in Edwards (2005: 164)*

### 7.1 Summary and Conclusions

My research interests took me on a journey of exploration that focused on two key elements – rights and Indigenous public libraries. This focus led me into the domain of human rights, where I discovered that in fact international rights do indeed make provision for universal access to information in various interpretations of freedom of expression. In the context of Canada, not only are there two public library systems, one Indigenous and one non-Indigenous, but there are two sets of rights that pertain differently to Indigenous and non-Indigenous society. This duality of rights has implications for information access at public libraries. For off-reserve libraries, the right to access to information is respected through the legal and policy instruments that ensure funding through the bureaucracy at provincial and municipal levels of government. This means that libraries are systematically funded through mechanisms that promote the ideal of universal access to information through the public library. However, for Indigenous public libraries, the pathway to consistent and adequate funding has not been established. Funding for reserves for basic services is the mandate of the federal government through INAC, yet Indigenous libraries are not funded through this mechanism. Instead, in Ontario the provincial government provides some funding for Indigenous public libraries, but this funding is not prescribed in Canadian constitutional law. Nor do reserves collect the equivalent of municipal taxes, which are a key source of municipal funding for off-reserve libraries. Finally, it often remains the discretionary responsibility of reserve authorities to fund libraries using federally derived funding, yet this is done in a context of competing funding demands in which libraries may not be the priority.

From my experiences at Six Nations Public Library and meeting with library representatives across a number of library organisations that represent the governmental and non-governmental public library sectors, my research confirmed for me that Indigenous

public libraries are generally disadvantaged in terms of service provision. This conclusion is consistent with reports on Indigenous libraries, as noted in a number of Canadian library reports (OFNPLSPLC, 2004; Blake, et al., 2003; Aboriginal Library Services Working Group and Mary Cavanagh, 2009; O'Neil, 2016; Newman, 2004, 2011; Demers, et al., 2014; O'Neil, 2016).

What is largely missing from the reports and related discussions is how social and cultural institutions, like Indigenous public libraries, are supported in the distribution of government goods and services and the opportunities that they present for access to information at Indigenous libraries. In addition to this, there is also little discussion on how human rights or Aboriginal and Treaty Rights may affect these goods and services, especially in relation to access to information. For example, having access to the Internet and accessing information online has become a way of communicating and participating in society for a range of reasons from socializing, to learning, to emergency services. Online access has become a basic human need in the 21<sup>st</sup> century.

I decided to explore public libraries through a broader conception of the public library ideal to include questions of equality, cultural recognition, social inclusion and human dignity and the function of the public library in society (Buschman, 2007; Wiegand, 2015). Osburn's (2009) work on the public library as a social transcript was appealing for describing how public libraries as cultural institutions evolve over time. In addition to this, perspectives on information infrastructure, especially library infrastructure, and how this affects people and culture provide an introduction to a deeper exploration of the concept of access to information, equality and social justice (Grover et al., 2015; Thompson et al., 2014; Thompson and Afzal, 2011; Edwards, 2010; Roy and Hogan, 2010).

How the premise of equality and social justice is discussed for Indigenous public libraries is more appropriately contextualized in its broader definition of access to information. This definition emphasises the physical, intellectual, socio-cultural and rights aspects of the public library, which have been previously conceptualized as information infrastructure by LIS scholars Star (1999) and Borgman (2003) and later by Grover, et al. (2015) who added newer technologies and a global aspect to the definition. Thompson, et al. (2014) and Thompson and Afzal (2011) re-conceptualized this further by including a cultural aspect to access to information. This is a useful concept for discussing access to

information and by association, the public library, because as an infrastructural concept it emphasizes the structural (physical), educational (intellectual), communicative (social), cultural (culture, Indigeneity and relationships) and rights aspects (legislation, universality, cultural relativism and imperialism). By identifying these aspects through the literature reviewed, I observed that each element is fraught with equalities and inequalities for how access is made possible. Each aspect is also embedded in the ethical issues of social justice, fairness and equality (Jaeger, Taylor and Gornham, 2015; Newhouse and Heiber, 2009; Dadlani, 2016). These are threshold conditions that support access to information – both print and digital – as ways for developing knowledge, literacy, socializing, participating in one’s own culture and community and furthering online education that represent the importance of the Indigenous public library to the community.

In reviewing literature on human rights, justice and institutions in relation to freedom, I discovered the work of Amartya Sen (Sen, 1997, 2004, 2009) and Polly Vizard (2006). Sen’s evaluative framework on capabilities and the role of rights appeared to be one possible framework to explore access to information in the development of Indigenous public libraries. I researched the capability approach and considered its appropriateness as a theoretical framework for my research question. However, because I wanted some validation for using this approach, I met Professor Amartya Sen at Harvard University in the Summer of 2016. I discussed my idea of using the capability approach to understand the perceived disparities in public library services in different contexts. After this meeting and with Professor Sen’s advice to focus on capabilities, I began thinking about how some institutions are potentially capability-enhancing and decided to look at the rights and institutions that enable access to information at Indigenous public libraries (Sen, 2009).

In this dissertation, I build on the work of other scholars who have contributed to Sen’s capability framework by identifying functionings through library value statements made by participants at SNPL and off-reserve participants in the case study. I also use a number of concepts that focus on individuals and the SNPL community, and which include freedom as a human condition, the complementarity of human and legal rights, the concept of a good society, public reasoning about freedoms, the substantive freedoms inherent in functionings, capabilities and well-being, and a consequence-sensitive approach. I used library values as functionings to explore capabilities and to understand how the obligations

of international rights and distributive justice in Canada is reflected in the development of Indigenous libraries.

The capability approach focuses on human rights and human diversity rather than resources or aggregated metrics, and studies using this approach contribute to the development of well-being indices for measuring well-ness in society (Vizard, 2006). While well-being indicates an essential feature of being human, measuring this state is problematic in terms of how this is measured, including the description of well-being indicators, who is measured and why they are measured. For example, in Canada national well-being indices do not include Indigenous peoples and Indigenous community well-being indices do not include cultural indicators. Sen's (2009) work is specific about the context-specific nature of the capability approach and eschews aggregated measurements because the individual and their substantive freedoms are 'lost' in the metric, although he concedes that a well-being index is useful as an alternative tool to the gross domestic product and other metrics of analysis of human capabilities.

With a focus on the library users at one context-specific Indigenous public library, SNPL, I developed two main research objectives that were pursued in this research. The first objective was to describe, explain and evaluate information-related rights. This objective uses the rights identified and described in the literature reviewed to understand how these rights are experienced at Six Nations Public Library in Ohsweken, Ontario. These rights were evaluated in terms of how they flow through legislation, especially funding, so that they meet their mandates of information access and well-being. A feature of the LIS literature review is that Indigenous public libraries are contextualized within Indigenous cultural rights. Part of the experience of this right is the implementation of policies that establish libraries, which can be sustained through funding while also reflecting the new information landscape of the 21<sup>st</sup> century. This landscape is technology-focused and public facilities are needed such as new technological infrastructure, new skills and new furnishings to accommodate this. These rights, articulated as international cultural rights more generally, and Indigenous cultural rights specifically, are only minimally supported by the Six Nations Elected Council and the federal and provincial governments at Six Nations Public Library. At Six Nations Public Library, the support is through special provincial legislation. However, I make the argument that Indigenous public libraries under

the Charter 35 (1), 25 and 15 are in fact the mandate of the federal government because of historical injustice. Yet there is no federal mechanism in place for service delivery for Indigenous public libraries.

The second objective was to understand what the findings suggest in relation to the experiences of the Six Nations Public Library community and their use of the library in relation to these rights. The findings are based on my primary research and the responses from SNPL patrons, management and staff, board members, trustees and off-reserve representatives of library organizations, which were then triangulated with other secondary information found in reports on public libraries, human rights, legislation and data from INAC and OPLS.

The SNPL is a well-respected institution by those who use it for a wide range of reasons: a space to do homework, research, manage a home business; access the Six Nations of the Grand River and Haudenosaunee rare collections and digital collections; online learning, accessing the Internet for socializing, downloading books and movies, applying for jobs, filling out tax forms; learning about Haudenosaunee and Six Nations history during a history circle; workshops on how to write a will that will hold in land in the trust of the Haudenosaunee Hereditary Council; film nights; or the latest Indigenous authors, or other fiction and non-fiction collections. And when funding permits, the library makes programming available for children and adults to enjoy, especially through the summer months. Funding and space are critical issues at SNPL; however, there is not enough of either resource. Connectivity is anticipated as being an issue in the near future. Yet, as the Human Rights Commission has reported, Canada is not addressing human rights in ways that are satisfactory at an international level (UNGASS, 2011). Federal legislation fails to support human rights in relation to access to information and provincial legislation minimally supports a moral obligation to provide access. Access to information is both a fundamental and Indigenous cultural right that is not being promoted, protected or respected by the Canadian State in relation to Indigenous public libraries.

The case study analysis of SNPL contributes to existing studies on the important role of public libraries in society and importantly, in Indigenous communities. It also demonstrates that Indigenous public libraries have a place in scholarship. In addition, there are currently no known similar case studies that use a capability approach as an evaluative

methodology to assess capabilities in relation to access to information on reserves in Canada. This research is therefore important in understanding the human rights legislation in Canada in terms of informational service delivery for Indigenous public libraries.

The research also draws attention to the challenges of federalism in relation to the Indian Act and its amendments. The role of the library in Indigenous communities and the community support for this institution has been ignored by the federal government (O'Neil, 2016; Demers, et al., 2016). At best public libraries are a basic infrastructure on reserves that could be supported by the federal purse in view of there being no authority to collect taxes on reserve that would support a library, which is common for off-reserve public libraries (Newman, 2011). The provincial public library operating grant and the First Nations salary supplement is instituted in Indigenous public libraries established on-reserve with limited co-related support because Indigenous public libraries are not established through property taxes. This reflects a fundamental difference in how land is viewed in Canada. For example, Six Nations of the Grand River territory is land held by the Haudenosaunee Traditional Council for Six Nations of the Grand River (Hill, 2017). For reserves to receive federal funding for Indigenous public libraries they have to include them in comprehensive community plans. In the context of competing priorities and basic human needs like water or education, the library is often considered a lower priority. For SNPL, the new building was included in the Six Nations Community Plan in 2016 and is still awaiting further funding.

Disparities are apparent in Indigenous library services when funding is inadequate to support programming, acquisitions, computers, building maintenance or new buildings, staff salaries and connectivity. Overall, the lack of resources for access to information through goods and services affects individual and community well-being negatively. One way of advocating for Indigenous public libraries would be by calling on the international rights regime in place for public libraries through General Comments 21 and 34 (UN 2009, 2011) and the right to freedom of expression and the right to take part in cultural life. As with the UDHR, the UNDRIP includes rights that resonate with 'freedom of expression' and 'taking part in cultural life' which are relevant to the discussion on access to information. Recognizing that the sets of rights in both Declarations are inter-related, focusing on those that are relevant to this dissertation is useful. The UNDRIP defines

Indigenous peoples' right to self-determination and their right to determine their economic, social and cultural development (Article 3); their right to distinct political, legal, economic, social and cultural institutions (Article 5); and the right to maintain, protect and develop their cultures through technologies and literature (Article 11) (Henderson, 2008; UNGASS 2007). There is, therefore, a presumed Indigenous cultural right to public libraries in the UNDRIP similar to that of the UDHR. This expresses participation in cultural life, described as 'the right to take part in cultural life', and 'the right to seek, receive and impart information and ideas through any media', which refers to informational sources and Indigenous knowledge, that is held at a public or community library (for example, in the form of Indigenous literature).

When the Canadian Human Rights Act, 1985, takes precedence over international human rights, there is limited access to the benefits of international human rights protection through civil, political, social, economic and cultural rights. Without this support, the rights of Indigenous public library users, embedded in these rights, may be violated by the non-discriminatory clause of the CHRA, 1985. In addition, while the Canadian Charter's co-evolving mechanism for the rights of Aboriginal peoples for equality and justice is in place, the lack of support for Indigenous public libraries conflicts with the INAC mandate (a Parliamentary responsibility) to provide social and economic development in Indigenous communities. A question arises: How are Indigenous peoples to access information in contemporary society without support from the federal government when they are have assumed responsible for the social and economic development of services on reserves mandated under the Indian Act? When Indigenous public libraries are an exception and lie outside the institutional structures of justice what are the implications of this on the lives of those who value these institutions? How does Six Nations Public Library move forward with their library plans in the context of Haudenosaunee treaties, the Kaswentha or Two Row Wampum and the Silver Covenant Chain treaties. The UNDRIP is a treaty that began to form 70 years ago as the Indigenous diplomacy movement motivated for these rights.

Without reflecting on the complementarity of human and legal rights that support access to information contextualized in Canada for Indigenous public libraries, an important perspective is missing in the discussions on imperfect and perfect obligations. In Canada, public libraries are embedded in civil, political, social, economic and cultural



rights at local, provincial, federal and international levels, which enable access to information. However, these rights are not clearly articulated in the scholarly literature and as a result they do not appear to be part of the general discussions on human rights in relation to freedom of expression or the right to take part in cultural life. For these rights to be articulated as an Indigenous cultural right would require advocacy work by Indigenous librarians and allies with both the federal and provincial governments. In Canada, there are a number of library associations advocating for public libraries. However, there is no national Indigenous library association that advocates specifically for Indigenous information or literacy issues and with a mandate such as that outlined by the emerging National Aboriginal Library Association (NALA). Without a national Indigenous library voice representing Indigenous knowledge and an Indigenous world view sitting at the same table as other library associations, an important voice is absent. The emerging National Aboriginal Library Association (NALA) has a business plan that includes a wide range of partners reflecting more than just libraries (also literacy and reading organizations). In its mandate, NALA plans to be supported and funded through membership fees and partnering with organizations. Library associations are generally funded through association membership fees (for example, CFLA-FCAB) or individual or library membership (for example OLA) and driven by volunteer board members contextualized within a long history of library association development. The pre-legislative advocacy work of international, national and local public library groups such as IFLA, the CFLA-FCAB, OLA, FOPL (in Ontario) or individuals, provide an important link to government. By advocating for the recognition of Indigenous public libraries with international and provincial governments, these organizations and associations could the support development of NALA at a federal level and legislative level.

The SNPL case study demonstrates through the research findings and the use of the adapted capability framework that there is a relationship between rights and access to information. While the rights exist that mandate public access to information, the responsibility for the development of Indigenous public libraries remains unresolved. Yet this research also shows that Indigenous public libraries are important institutions that support individual and community well-being, substantive freedoms and human rights, legal rights and Indigenous cultural rights.

## 7.2 Future Research Directions

This thesis has made an important start at connecting rights and access to information through the Indigenous public library and exploring existing disparities between Indigenous and non-Indigenous public libraries. These disparities are not adequately documented in Ontario (or Canada) and further research would explore this further.

My research suggests that Indigenous public libraries play an important role in supporting Indigenous cultural rights and access to information. Indigenous knowledge, cultural awareness by Elders and knowledge keepers, the preservation and storage of histories, Indigenous language recording and archiving, and preserving Aboriginal and Treaty records, are all part of Indigenous public libraries. Therefore, further research that focuses on the broader community-oriented role of Indigenous public libraries in promoting both access to information and well-being – as defined by the communities themselves – is an important dimension of ensuring that Indigenous public libraries remain relevant to the evolving needs and aspirations of Indigenous peoples. Through library users' perception of libraries and their community value, the consequence-sensitiveness of my adapted capability framework moves discussions from being means-focused to a valuable ends-focused combination of functionings and capabilities. This is emphasised through Sen's (2004) and Vizard's (2006) extended capability approach, where Indigenous public libraries can be embedded in civil, political, social, economic and cultural rights through a range of local, provincial, federal and international governance structures. Yet this requires discussion at all levels of government.

Demers, et al (2014: 20) recognize the complexity of the library system in Canada generally and that “this system is not well known, either to funding authorities or to Canadians in general”. However, an answer may lie in a review of international public library literature and their national policies. Helling (2012) concludes that “a robust national library policy is the only way to ensure even and equitable growth of public libraries throughout an entire nation” (Helling, 2012: 161). He suggests that national governments can guide the growth of public libraries without interfering in local affairs but ensuring an even, equitably funded and recognized library service. While this approach has not worked for all peoples within its borders yet, a future research direction is to conceptualize Indigenous and non-Indigenous public libraries in a national information

policy framework that considers the UNDRIP and the UDHR as well as the co-evolving mechanism of section 35 in the Charter as a platform for public reasoning. Indigenous knowledge and Western knowledge would provide a new way to engage Indigenous and non-Indigenous perspectives in the contemporary public library in the 21<sup>st</sup> century. Thus, I also suggest further research on how other Indigenous public libraries are developed within an Indigenous cultural rights perspective for access to information in contemporary society. This research direction is possible in the context of the UNDRIP. Indigenous peoples and allies in Canada currently have international support for making their case to the federal government for recognition their sovereignty and their Aboriginal and Treaty rights prescribed in the Charter for access to information at Indigenous public libraries. The UNDRIP also contains the provisions for access to information for Indigenous communities, which supports their existing and future community public libraries as Indigenous cultural spaces for language, learning and literacy. By exploring these rights further as suggested by Indigenous librarians themselves, a future research direction on Indigenous public libraries, which are about people, ideas, moral and legal obligations, is possible.

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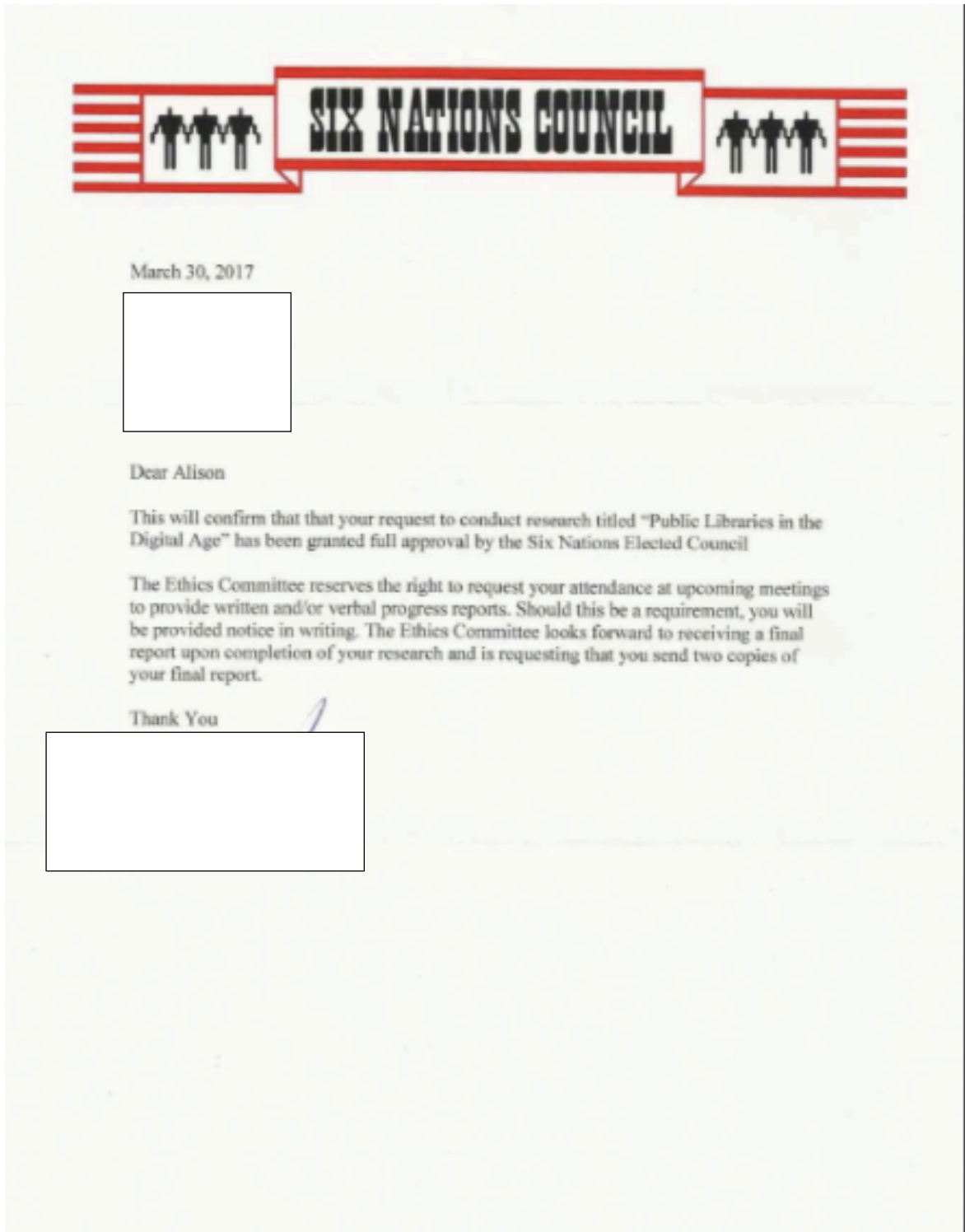
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APPENDICES

Appendix 1: Six Nations Council Ethics and Research Approval



## Appendix 2: Letter of Information and Consent



The Idea of the New Media Public Library: Case Study of the Six Nations Public Library, Ontario, Canada.

Letter of Information and Consent – Six Nations Public Library Board, Staff and Patrons; Ministry of Tourism, Culture and Sport official; Internet Service Provider Manager; Library association representatives.

Principal Investigator:

Dr. Catherine Johnson, PhD, Library and Information Science  
Western University

You are being invited to participate in this research study about transforming public libraries, their digital development and information access rights because you are either part of the Six Nations Public Library or you are involved in library and information activities.

The purpose of this study is to further understand how digital information access and needs are met by library and information services and the role of information rights in this service provision. Public libraries in First Nations communities in Ontario are particularly disadvantaged in their access to information and communication services in comparison with other public libraries in Ontario (OFNPL, 2004; Saunders, 2012; Blake et al, 2004). In 2004 the Ontario First Nations Public Library Strategic Plan Liaison Committee clearly articulated the shortfall between socio-economic needs and information service delivery in First Nations communities. The report stated that public libraries “provide an essential service to First Nations communities... and contribute to social and economic well-being by nurturing our spirits, preserving our traditions, cultures and languages, and encouraging lifelong learning and literacy.” (OFNPL, 2004: 7). Scholars and practitioners within the Library and Information science (LIS) community are turning to human rights to provide legal and inspirational foundations for renewed political, economic, social, geographic and cultural perspectives about public libraries and their roles in society (Mathiesen, 2013; Birdsall, 2004, 2008). In the context of Canada, there are two key international declarations that are pertinent to this rights-based approach to the transformation of public libraries: (1) the United Nations Declaration of Human Rights (UDHR); and (2) the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). While the UDHR applies to all citizens of Canada, it is the recently adopted UNDRIP that is of specific relevance to the rights of Indigenous Peoples in Canada (UDHR, 1948; UNDRIP, 2007; Henderson, 2008; Birdsall, 2004) and the focus of this study.

My research question is therefore: How do rights and library conditions including policy protect, promote, and support the digital transformation – specifically new media - of public libraries for First Nations in Ontario? The research objectives will describe,

explain and evaluate rights and how they support the role of public libraries in Ontario, with a focus on the Six Nations Public Library in Ohsweken.

If you agree to participate it is expected that you will participate in the study for 15-60 minutes. The interview will last between 15 minutes for SNPL patrons and 30-60 minutes for other stakeholders. I will be making a number of study visits over the course of three months, but your participation will only be on one occasion and for the specified time depending on the stakeholder group described.

If you agree to participate you will be asked to respond to a number of questions, which are semi-structured and rely on answers to previous questions to a certain extent. To do this, I will work with a set of question prompts and record your responses during the discussion. I plan to audio-record your responses with your consent and by you completing a separate checkbox added to this consent form. However, if you do not wish to be audio-recorded you can still participate, and I will write down your responses. I will then transcribe all responses on my laptop.

The interview will take place in a quiet area of the Six Nations Public library or in a quiet space at your institution or company offices. A sign will be placed near the area stating that the interview is in progress at Six Nations Public Library only.

No personal or sensitive information will be collected during the interview. There are no known or anticipated risks or discomforts associated with participating in this study. However, should you feel upset or distressed in any way we will conclude the interview immediately. For Six Nations Public Library participants who appear distressed I would suggest the following mental health resource and crisis line phone number and I will not interview participants at Six Nations Public Library outside the Centre's open hours.

The possible benefits of this study to you could be that you reflect on the library and library related activities as being useful to your personal or career interests or library policies in your local community or that the library community is working towards improving informational resources that include information needs through informational rights.

You may withdraw from the study at any time before or during the interview. If you decide to withdraw from the study, the information that was collected prior to you leaving the study will still be used because your information is anonymized. However, no new information will be collected from you.

Representatives of The University of Western Ontario Non-Medical Research Ethics Board may require access to my study-related records to monitor the conduct of the research. While we do our best to protect your information there is no guarantee that we will be able to do so. However, this being said, for Six Nation Public Library patrons there are no identifiers that link your responses to the questions. For other stakeholders, the inclusion of your role may allow someone to link the data and identify you. However, in the results of the study (including portions of the interviews) your name cannot be used and no information that discloses your identity will be released, published or in any way connected to you as a participant. If data is collected during the project, which may be required to report by law, we have a duty to report.

Paper copies and digital files will not have any identifying information related to you. The laptop that I use will be password protected. The printed and completed semi-structured questionnaires will be on my person in an unidentified bag. When transporting the questionnaires, they will be in a locked car. Otherwise these documents will be kept in a locked cabinet with only myself as the person who can access this. The USB media files will be placed in a locked cabinet in a secure location when not in use during the research period. Your study number with your name will be kept in a secure and separate place from my study files. No photographs will be taken during this study. In addition to this, all the research materials arising from the study will be erased or shredded after a seven-year period at the Western University shredding facility as this time period meets with both Western and Six Nations Elected Council protocols.

There is a strong possibility that I will use personal quotes within the thesis. If you agreed that I could quote your words anonymously then please check the box on the consent form.

There is no compensation for your participation in this research and your participation is greatly appreciated.

You are required to be at least 18 years of age to participate in this study and your participation is voluntary. You may decide not to be in this study and even if you consent to participate you have the right to not answer individual questions or to withdraw from the study at any time. If you choose not to participate or to leave the study at any time it will have no effect on you, your job or your position in your institution or company. You do not waive any legal right by signing this consent form.

Thank you for your time and attention.

This letter is yours to keep for future reference.



## Written Consent

The Idea of the New Media Public Library: Case Study of the Six Nations Public Library, Ontario, Canada

Letter of Information and Consent – Six Nations Public Library Board, Staff and Patrons; Ministry of Tourism, Culture and Sport official; Internet Service Provider Manager; Library Association representatives.

Principal Investigator:

Dr. Catherine Johnson, PhD, Library and Information Science  
Western University,

I have read the Letter of Information, have had the nature of the study explained to me and I agree to participate. All questions have been answered to my satisfaction.

I agree to be audio-recorded in this research

YES  NO

I consent to the use of unidentified quotes obtained during the study in the dissemination of this research

YES  NO

\_\_\_\_\_  
Print Name of Participant

\_\_\_\_\_  
Signature

\_\_\_\_\_  
*Date (DD-MMM-YYYY)*

My signature means that I have explained the study to the participant named above. I have answered all questions.

\_\_\_\_\_  
Print Name of Person  
Obtaining Consent

\_\_\_\_\_  
Signature

\_\_\_\_\_  
*Date (DD-MMM-YYYY)*

### Appendix 3: Timeline of Events Affecting Indigenous Public Libraries

	Haudenosaunee	Indigenous library	Canadian
	Indian Act, 1869 Indian Act, amendment 1876 Parliament responsible for 'Indians' and 'Indian Lands'	Legislated authority for social and economic development – federal Parliament	Constitution, 1876
	Indian Act, amendment 1884; amendment 1920 residential schools	1884-1951 no cultural activities.	
	Department of Indian Affairs		
1911	First Indigenous Library		First Library 1899
1924	Deskaheh Levi General to League of Nations; Removal Haudenosaunee Hereditary Council, Six Nations; Elected Council at Six Nations of the Grand River		
1948	UDHR – individual rights but with some provisioning for collective rights; Indigenous or minorities referred to later in UDHR	Freedom of Expression and right to access information ‘	UDHR: Freedom of Expression Right to take part in one culture
1976	ICCPR	Civil and Political rights and access to information	ICCPR; FOE in Canada (case law)
1976	ICESCR	Cultural right – library (UN Gen comments	ICESCR – Right to Take part in cultural life (individual and collective) and Indigenous
1966-1968	SNPL established and opened	1999 MTCS Public Library Operating Grant (PLOG); Salary Supplement	
1982	Charter Part 1 and 11 (35 – Crown obligations to Aboriginal peoples enshrined in constitutional (Macklem, 2007; Dickson, 2015; Constitution Act, 1982); and section 37 constitutional conferences (Dickson, 2015))	Social and economic obligations of the Crown and Constitution for Aboriginal peoples enshrined in Charter and Aboriginal and Treaty Rights	Charter Part 1
2007	UNDRIP: Right culture, language, technology, literature (Indigenous culture)		

2011	UDHR	Freedom of Expression (Article 19 and 27) (UN General Comments) acknowledges access 'at the library'	
2016	UNDRIP Canada	CFLA recognition of Indigenous public libraries: NALA, collection development policies; establish Indigenous library association	UNDRIP; TRCC Calls to Action, adoption of UNDRIP
2016	CFLA	Established Indigenous Matters	
2015	OLA	Establish Indigenous Task Group	
2017	INAC: Indigenous Services & Crown relations	Two separate organizations	

#### Appendix 4: Sample of SNPL Participant responses to Rights

Substantive Freedoms in ‘Rights’ related to the Library	Key Theme
“Libraries were a right of access” (LPP5)	Right and access
“Human right to knowledge; right to learn and to choose” (LSP2)	Human right to knowledge, learning, choice
“A right to access either information or on the Internet or come in to the library” (LSP3)	Right to access for information, the Internet or the library
“On a Haudenosaunee perspective the right the public library fills are the educational aspect” (LPICP1)	Right is to education using the public library has a Haudenosaunee dimension
“Right to access information throughout their lives and rights to people with disabilities especially” (PLC1)	Right to access information throughout life especially for people with disabilities
“Right to be at the public library because some people don’t have access to Wi-Fi or books you could get out of the library; some people just don’t have the basic knowledge of computer skills, so they go to the library to take classes” (LPP16)	Right to be at Library because some people don’t have Wi-Fi, books, basic computer skills and Library provides this
“There are rights that pertain to the library but perhaps not directly human rights. Library ethics include this as intellectual freedom” (OLAPA1)	Rights to library but not human rights. Library ethics as intellectual freedom
“There should be a right to a public library” (LCPP, LPP17)	Right to a public library
“Right to a library and access to information especially” (LPP19)	Right to a library and access to information
“Should be a human right” (LSP1).	Human right
“People should have access to library wherever, whenever” (LPP8)	Access to library wherever, whenever
“People need a library, and this is the place where information is and where there are topics of interest” (LPP9)	Need for a library for information and topics of interest
“About equity and inclusivity; rights to e-access and the right to participate in the knowledge economy for learning, access and government resources. Content is important in this regard” (OLAPA1).	Rights to e-access; right to participate in the knowledge economy for learning, access, government resources, content
“As a place to access information, which is free and open and belongs to all of us” (LSP4)	Not a right but place to access free information which is open and belongs to everyone
“Given the historically trauma that is going on through the generations the library is a good place for kids” (LFBP1)	Not a right but a good place
“Should be free access to any information, to teach, to learn. Especially here where lots of people don’t have freedom to access. Lots of people here can’t even afford Internet so they have to come some place like this even if it’s a half hour out of there way” (LPP11)	Should be free access to information, to teach, learn; freedom to access, free so affordable
“There should be [a public library] - It should be government sponsored” (LPP10)	Should be government sponsored Library

### Appendix 5: Functionings at SNPL

Having Access to Information at SNPL	Substantive Freedom in Capability Set	Key Functioning Themes
Having Access to Physical Collections and SNPL Space, Access to SNPL Collections and Services	“To borrow books and browse the magazines, for Indigenous knowledge, the Archives in the Boardroom and the Native Studies resources” (LPP9, LPP12, LPP2, LPP5, LPP6).	Reading, information, Indigenous knowledge
	“But they come back and forth so much too that they can take the book out and bring it back again” (LPP1).	Continuity between life and generations because a lot of families use the library that don’t live at Six Nations
	<i>“I think it has to do with the people [laughs] because the people here are friendly too and you don’t get that attitude. At the other libraries you run into a not good person but when you’re coming in you ain’t getting no guff” (LPP1)</i>	“All things Six Nations”
	<i>“You’ve got to remember this community has been through the place of no books right, no books.” (LPP1)</i>	There was also reflection on the Library in the past and of a time when there were no books at Six Nations
	SNPL services include: printing for resumes (LPP19, LBP3, LPP6, LPP11), inter-library loan (LPP6), faxing (LPP19, LPP12), photocopies (LPP12), proctoring (LPP5), job searches (LPP7) or even a job at the Library (LPP11) and use the space at the library for meetings and business (LPP15, LPP10, LPP3).	Staff were helpful and if they couldn’t help they would ask others (LPP6).
	<i>“the Library is near low income housing, is a safe environment for both learners and parents. The library is near lacrosse, the arena and swimming.” (LCPP2).</i>	Central location
	<i>“You’re in your space, I don’t know what it is, but it was here, not so much at school, you just get this comfort and you get attached to it and it’s this nice quiet space” (LPP2).</i>	The quietness and the pleasantness of the Library as a getaway space

		was also mentioned.
	<i>"There is an expectation on the size of the collection for the population and that's why we have a container... a 40-foot container outside with a lot of material." (LBP1; LSP4).</i>	Lack of space
	<i>"I think that it's really important to have libraries in every municipality if possible that people can go to because it's not only services but a place where you can access information, but libraries function as social areas where people can come and gather and socialize" (LPP12).</i>	Social space
<b>Having Access Six Nations Collections for Six Nations History, 'Native' Collection, 'Native' Language Collections</b>	<i>"Here on Six Nations it's both Cayuga and Mohawk immersion but that's one of our hopes to have more language programs built into library programming as we move ... once we move into a larger facility. I think the library in terms of language may look at holding whether... it's not classes per se but archival information" (LTP1).</i>	The need for more language programs
	<i>"it is easy to lose history especially First Nations history because it was oral and there is a race to document as much as possible and that history is being lost bit by bit" (LSP4).</i>	Loss of history
	<i>"For the Indigenous knowledge it was great and that's where I spent a lot of the time, that was here" (LPP2)</i>	Indigenous knowledge
	<i>[the library] "it's more than just a place to go and check out books or look at books, it serves a lot of functions in the community I think" (LPP12).</i>	Community
	<i>"I think it has to do with the people [laughs] because the people here are friendly too and you don't get that attitude. At the other libraries you run into a not good person but when you're coming in you ain't getting no guff" (LPP1)</i>	Six Nations
	<i>"I hope they are here forever because this is information that can't be replaced. And every time we lose an elder and all that information that an elder has is gone. Where we have books and if you take care of them and preserve them they will be here. Books will last a lot longer than people do if they're cared for and shared. There's so much technology and I'm sure there's some way to record everything that is in those books so that it can be shared" (LSP1).</i>	Elders
<b>Having Access SNPL Programs</b>	<i>Programs were mentioned by many patrons. The unique SNPL wills workshops, history circle, film night, summer programs, staff guidance on books to read and for literacy skills development.</i>	Programs, land issue

	<i>"We have the summer reading program... for all ages..." (LBP1).</i>	Reading, everyone
<b>Having Access to Information: Technology and Digital Space</b>	<i>"We have the technology, I just wish we were better situated and we had more machines." (LSP1). Another participant noted that: "I miss the computer lab but they say we just don't have the space and I say alright and that's to let them know that they definitely have to have because even the students who are going to university and college they come here to use it for their research and sometimes its full and they have to wait" (LPP1).</i>	Lack of space and computers
	<i>"Apart from the 4 computers downstairs, we've had up to about 10 but because most of our material was out in the storage container we had to get rid of the six, no, four computers that were all along the wall and we had to downsize and have a smaller table and that where we're only able to fit the four in there. So, the other six they're just used for extra pieces in case we need any" (LSP3).</i>	Number of computers
	<i>"Here you only have four stations down there and the sitting area for the little ones, there's a lot more children than that. You know we need more space" (LPP15).</i>	More space
	<i>"It would be really beneficial if we did have more computers for downstairs because we do have some patrons coming in and they do see the computers are full, so they just leave" (LSP3).</i>	More computers, insufficient computers
	<i>"Regulars use the library for 30 minutes either the workstations or iPad and mostly doing google searches. There are line-ups for the computer" (LSP2)</i>	Insufficient computers
	<i>"Changes in the Internet to fibre so the speed is better now and also the older computers were replaced (LSP4).</i>	Speed is good
	This was linked to another point that "a lot of kids don't have it [Internet access] in this rural community and so it's convenient to come here [to the Library]" (LCPP1).	Essential service
	<i>"We need a hangout space for under 18s and after school kids who have nowhere to go. It would be good if they could socialize and that libraries could become a hub for access to the Wi-Fi, cellphones Wi-Fi or charging or just to use their cellphones" (LSP4).</i>	Space that included technology
	Another participant added that: <i>"There's people coming in here and they're trying to do the same thing, public access to the library but if there's no computers or anything then they've just wasted gas money to get here and then, you know what I mean, it's a burden and so that's why some people just go out of town to go to a library. People would rather go to Caledonia or Hagersville right and go there at least they know they could get a computer I've just heard a lot of people are doing that." (LPP16)</i>	Computers
	<i>"were pursued so that there's no restriction to these for researchers because the local community strengthens students, and this moves them forward" (LBP4).</i>	Collection development
	<i>"trying to stay updated with technology because everything changing and can't have slow computers" (LPP6).</i>	A participant summed up the need for computers

	<i>Staff do troubleshoot on all devices and help people who are not comfortable with Internet and still need help. This is not just older people but also younger user who need some help and others need a lot of help. Some will also know some steps when using the Internet but then not know the next or the rest of the steps. Also, sometimes there are too many links in a form, so people will need help with this especially tax forms or benefits form and other tax related issues (LSP4). Other participants mentioned getting help using websites from staff (LPP6, LPP8).</i>	Staff helpful on computers
	<i>“People have this idea that because nobody reads anymore because of the computers and because of e-readers or kindles or whatever people don’t realize that you can have both” (LBP3).</i>	In order to understand more about how technology was being used by SNPL, digital devices use was assessed.
	<i>We’ve gotten better Internet access, computers ... even down to the photocopier and printer itself and we’ve also been able to purchase tablets so if the computers are full and someone just wants to check their email we’re able to sign them out a tablet they can use” (LSP3).</i>	Internet and other devices
	<i>“older generation didn’t have too much understanding or knowledge of how to work a computer or even the Wi-Fi essence of it, you know what I mean, and I just think that they should have... like public access is always good because this. the public needs like the learning experiences that you can get at a library or even just the programs that they have... like there’s like computer classes and stuff like that and it’s pretty good” (LPP16)</i>	Wi-Fi
	<i>“patrons use the computers and <u>Wi-Fi</u> constantly” (LSP4).</i>	library was busy
	<i>“The people come here so that they can communicate with everyone in the world because they’ve got worldwide families now we don’t ... we’re not just Six Nations, we’re worldwide. We have people in all the countries of the world now and so that when we come and use it we can talk to them we can skype them whatever and so it goes out boom so it’s really good to have the library” (LPP1).</i>	The Internet was used for social media is used to keep in touch with family or social networking.
	<i>Other participants said that “Whenever I am reading books I tend to read audio-books or books online” (LPP5) while others stored books they downloaded at the library on their readers (LPP8, LPP5) or heard about those at the Library (LPP9).</i>	Access to online resources and devices
	<i>“Normally there’s a lot of people who will come and use the Wi-Fi because it’s available. We can’t get that in town, you can scream by the library and say ok I’m going to put my numbers in and get on the Internet and that’s why I like it here you can just come and access the library through your devices. You can also check on the books and see when the books are due and say oh yeah I’ve got those books out” (LPP1).</i>	Wi-Fi



## Appendix 6: Semi-Structured Interview Schedules

1. Semi structured interview questions with SNPL PIC
2. Semi-Structured interview questions with Six Nations Public library Staff
3. Semi-Structured interview questions with Six Nations Public library Board, Community Partners, Trustees
4. Semi structured interviews with Six Nations Public library Patrons
5. Semi-Structured Interview Questions with Ministry of Culture, Tourism, Sport (Other Stakeholders incl. interjurisdictional)
6. Semi-Structured Interview Questions Other Stakeholders (Canadian Federation of Library Associations (CFLA), Ontario Library Association, FOPL, SOLS, OLS-N, and others that may be suggested through these stakeholder interviews)

### **Introduction to appear at the beginning of all Semi-Structured Interview Schedule (for researcher only)**

**Introduction** [For each stakeholder group] In discussion with participant and with the letter of permission visible.

Thank you for agreeing to participate in this interview and in this research on public libraries. This is part of my PhD research at the University of Western Ontario (Western University) in the Library and Information Science program.

My research explores access to information at public libraries in a digital age (using the Internet) and how this affects library services and programs. I am also interested in how access to information affects library users in terms of how this helps/hinders your daily informational activities at the library.

This research will deepen our understanding of the historical, current and possible future impact of rights on public library policy in library development in a transforming digital environment.

Your comments and responses will be confidential and anonymous.

*[For other stakeholders who are not SNPL patrons there will also be an alternative sentence stating that:*

*Your comments and responses will be confidential and anonymous and only relate to your title or position in this organization. This is also included in the consent letter and for which you have given your permission. Participation is voluntary, and responses will be audio-recorded and/or will be transcribed by the researcher.*

## 1. Semi Structured Interview Schedule with Six Nations Public Library (SNPL) PIC

Do you have any questions for me before we begin this interview, which will take about an hour?

### Question prompts -

#### Public Policy:

1. Within this library, which frameworks guide your Library activities in the daily operation of the library? [*Haudenosaunee governance, Six Nations Elected Council, Six Nations Public Library strategic vision, IFLA Code of Ethics, UN Declaration on the Rights of Indigenous Peoples (UNDRIP), Universal Declaration of Human Rights (UDHR), Canadian Constitution, Ontario Public Library Act?*]
2. What are the institutions that are involved in public policy decision-making regarding your library's development? [*Institutional arrangements, advocacy and at which levels of government and with which partners?*]
3. What is the role of rights that support, promote and fulfill the public library mandate for your library? [*'Our Way Forward' guidelines; UDHR specific articles related to freedom of expression and cultural institutions; UNDRIP articles related to access to information, literature, culture, Indigenous Knowledge; Canadian Constitution articles related to Indigenous protocols?*]
4. In the past how and which rights affected the development of the library?
5. Are you actively engaged with local, national or international library organizations advocating for a public library? [*IFLA and UN Sustainable Development Goals for example*]
6. As the SNPL PIC how do you perceive these rights as affecting library users?
7. Your library is accredited by the Ontario Public Library Guidelines Monitoring and Accreditation Council (revised and approved by Council and OLS-North September 2016 with First Nations accreditation guidelines included in 2007) how are rights implemented and supported through these guidelines?
8. As PIC of SNPL, how has accreditation affected the library?
9. Your library subscribes to the Ontario Public Libraries Act, 1990 – how does this influence how you manage and advocate for the SNPL library?
10. Your library is the only First Nations library in Ontario with an independent Library Board – what role does the Board play in the library's management?

#### Funding:

11. What are the funding mechanisms at local and regional levels? [Who are the funding institutions?]

12. What are the trends in funding? [Are there changes in funding sources]

13. Has your library experienced changes in library funding over the past 2-10 years?

14. Where are the changes the greatest or most significant? [Has this been influenced by technological development?]

### **Library Management**

15. Have library management models changed? For example, are partnerships common?

16. What are the mechanisms/inspirations for your library management models?

### **Infrastructure:**

17. Can you tell me about the development of the library and the library plans for the future?

18. SNPL will soon move to new premises – what are the most significant differences/similarities between this and the new library?

19. What is the history of broadband development with special reference to the current availability and speeds of the Internet, workstations, and their use by library users and how data is collected to record this?

20. What are the trends in capital investments with regards to information infrastructure? [*ISP, subsidies?*]

### **Public expectations:**

21. What is your perception of public expectations of the SNPL as a digital space, digital and online resources?

22. How do library users use the library today compared to in the past? Which resources are used most often/less often?

### **General:**

23. What is the future of public libraries in Ontario for First Nations? In Canada for First Nations in a digital landscape?

THANK YOU

**2. Semi-Structured Interview Schedule With Six Nations Public library Staff**  
**Question prompts -**

Do you have any questions for me before we begin this interview, which will take approximately 30 minutes?

1. Within this library which sets of rights do you subscribe to in your daily operation of the library and more generally? Rights can be the United Nations Declaration of Human Rights (UDHR) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) or other?
2. In your daily duties and activities in this library is the Internet being used more often than/less often than in the past?
3. How has Internet use changed/stayed the same (may be related to the increase in library users, may be related to the increase in computer workstations, may be related to broadband, Wi-Fi)?
4. How does the Internet access match user expectations? (Fast, slow, available, comfortable seating?)
5. What are the barriers to your library's digital development? (Resources that are available online – what and expectations, perceived use?)
6. How is the library space used?
7. Where are the changes the greatest or most significant in the library's development? (Physical building, use/no use for example?)

THANK YOU

### **3. Semi-Structured Interview Schedule With Six Nations Public library Board**

1. What, in your opinion, is the most significant activity of the SNPL Board?
2. Which issues/matters are discussed in general at Board meetings?
3. Do rights (human rights, information rights, right to an information society for example) determine decisions made at a Board level?
4. Has the role of the SNPL changed in this community?

THANK YOU

**4. Semi structured Interview Schedule With Six Nations Public library Patrons**  
**Question prompts -**

Do you have any questions for me before we begin this interview, which will take approximately 15 minutes?

1. Within this library are you aware of any rights that influence your use of this library? More generally related to accessing information? (Rights can be the United Nations Declaration of Human Rights (UDHR) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)) or other?
2. Do you feel that you have a digital entitlement to use the Internet at a public library?
3. In this library do you use the Internet at the workstations or Wi-Fi?
4. Do you use the Wi-Fi after hours, proxy user or in the library using your own device, or other?
5. Do you use this more/less often than in the past? Any reasons?
6. Generally, do you use the library for accessing the Internet for entertainment, learning, interest, government forms, and social contact with friends and family, other?
7. Are you happy/unhappy with the speed of the Internet? What about the age of the workstations/computers/speed, consistency of Internet on Wi-Fi (if use Wi-Fi).
8. Would you say you need to use the Internet more now than in the past?
9. Would you say that you need the Internet to do normal everyday things like contacting family and friends, ordering goods/services online, learning, staying up-to-date and informed about community matters, life in general?
10. Do you use additional online software for creativity and business? For example, do you create blogs, are active on social media, making video, other?
11. How has your Internet use changed over the years at the library?
12. How do you define Internet? Broadband available at your workstations, Wi-Fi?
13. How does the Internet access match your expectations? (Fast, slow, available, comfortable seating?)
14. What are the barriers to your use of the Internet at this library?
15. Where are the biggest changes you expect in the new library?

THANK YOU

## **5. Semi-Structured Interview Schedule With Ministry of Culture, Tourism, Sport (Other Stakeholders)**

### **Question prompts -**

Do you have any questions for me before we begin this interview, which will take approximately 45-60 minutes?

### **Public policy:**

1. What are the institutions that are involved in public policy regarding public library development in Ontario?
2. Southern Ontario Library Service (SOLS) was established in 1989 and is mandated to deliver programs and services on behalf of the Minister of Tourism, Culture and Sport for Ontario – how effective is this service? How effective is this for all First Nations Public Libraries in Ontario?
3. Does the Ministry collaborate with other provincial governments regarding public library development?
4. The Ontario Libraries Services – north is a non-scheduled agency of the Ontario Ministry of Tourism, Culture and Sport operating at arm's length from the Ministry, with a Board that conducts itself according to a Memorandum of Understanding - what is the history to this development? Are there any differences between the management of the northern and southern Ontario public libraries?
5. Do both library services subscribe to a common set of Ontario Public library legislation?
6. How do you define public, community libraries and libraries or are these terms used inter-changeably?
7. Who is currently involved in public policy research and advocacy and at which levels of government and with which partners for libraries [Discussion on telecommunication laws and institutions, regulations affecting public institutions and the Internet, policy regarding tariff subsidies for some libraries.]

### **Infrastructure:**

8. What is the history of broadband development with special reference to the current availability and speeds of the Internet, workstations, information infrastructure, and their use by library users and data collection to reflect changes in use/need for this?

9. What are the trends in investments in information infrastructure for public libraries – which department(s) does the Ministry liaise with in this regard?

**Funding:**

10. How are public/community libraries funded in Ontario?

11. How have governance and partnerships changed for public libraries? Has this changed?

12. What are the trends in funding for First Nations libraries compared to non-First Nations libraries?

13. What are the funding mechanisms at local and regional levels for First Nations libraries in Ontario?

**Public expectations:**

14. Have your knowledge of library patrons experiencing any difficulties with Internet availability and accessing new media at First Nations public libraries in Ontario?

15. Do the Ontario Public Library Statistics reflect any fundamental changes with regards to the need for technology?

**6. Semi-Structured Interview Schedule With Other Stakeholders (Canadian Federation of Library Associations (CFLA), National Aboriginal Public Libraries Organization (NAPLO), Internet Service Provider, other that may be suggested through these stakeholder interviews)**

1. Within this [*Organization*], which frameworks guide your library-related activities? [*First Nations vision statements, for example, 'Our Way Forward' recognized by the Assembly of First Nations; Truth and Reconciliation Commission Canada Call to Actions; the IFLA Code of Ethics; UN Declaration on the Rights of Indigenous Peoples (UNDRIP) articles related to access to information, literature, cultural, Indigenous Knowledge; Universal Declaration of Human Rights (UDHR) freedom of expression articles; Canadian Constitution related to Indigenous protocols; Ontario Public Library Act; other?*]

2. What are the institutions that are involved in public policy decision-making regarding [library development/public institutions] and with whom you collaborate? [*Institutional arrangements, advocacy and at which levels of government and with which partners?*]

3. What is the role of rights that support, promote and fulfill the public library strategy for your organization?

4. In the past how and which rights affected the development of public libraries in Canada/Ontario?

5. Are you actively engaged with local, national or international library organizations advocating for the public library? *[IFLA and UN Sustainable Development Goals for example]*

6. Do you see developing trends in library and information services in Canada/Ontario that affect public library users?



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