

2007

Introduction

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Citation of this paper:

White, Jerry; Beavon, Dan; and Wingert, Susan, "Introduction" (2007). *Aboriginal Policy Research Consortium International (APRCi)*.
99.

<https://ir.lib.uwo.ca/aprci/99>

Introduction

Jerry White, Dan Beavon, and Susan Wingert

The legal terrain changes quickly and dramatically. Shortly before this book went to press a major legal decision was delivered that will have an impact on many First Nations peoples. The B.C. Supreme Court rejected part of the existing legal definition of who can claim status under the Indian Act. They decided that those who trace their aboriginal ancestry through their female relatives have been discriminated against in current legislation. The current rules force people to look at only father or grandfather to determine Indian status.

Potentially, many hundreds of thousands of people may now qualify to be added to the Indian registry. Ms. Sharon McIvor, and her son Jacob Grismer, made the case that they were excluded and rejected from their community. In the ruling the court said: "I have concluded that the registration provisions embodied in [Section 6] of the 1985 Indian Act continue the very discrimination that the amendments were intended to eliminate," The ruling goes on to say that the current provisions favour males and their descendants while discriminating against the descendants of female First Nations.

This decision simply reinforces the arguments that you find in this very timely book

Introduction

In March 2006, the second triennial Aboriginal Policy Research Conference (APRC) was held in Ottawa, Canada. This conference brought together over 1,200 researchers and policy-makers from across Canada and around the world. Aboriginal and non-Aboriginal delegates (representing government, Aboriginal organizations, universities, non-governmental organizations, and think tanks) came together to disseminate, assess, learn, and push forward evidence-based research in order to advance policy and program development. The conference was a continuation of the work begun at the first APRC held in November of 2002. The 2002 conference was co-hosted by Indian and Northern Affairs Canada (INAC) and the University of Western Ontario (UWO),¹ with the participation of nearly 20 federal departments and agencies, and four national, non-political Aboriginal organizations. By promoting interaction between researchers, policy-makers, and Aboriginal people, the conference was intended to expand our knowledge of the social, economic, and demographic determinants of Aboriginal well-being; identify and facilitate the means by which this knowledge may be

translated into effective policies; and allow outstanding policy needs to shape the research agenda within government, academia, and Aboriginal communities.

The 2002 Aboriginal Policy Research Conference was the largest of its kind ever held in Canada, with about 700 policy-makers, researchers, scientists, academics, and Aboriginal community leaders coming together to examine and discuss cutting-edge research on Aboriginal issues. The main portion of the conference spanned several days and included over fifty workshops. In addition to and separate from the conference itself, several federal departments and agencies independently organized pre- and post-conference meetings and events related to Aboriginal research in order to capitalize on the confluence of participants. Most notably, the Social Sciences and Humanities Research Council (SSHRC) held its first major consultation on Aboriginal research the day after the conference ended. These consultations led to the creation of SSHRC's Aboriginal Research Grant Program which supports university-based researchers and Aboriginal community organizations in conducting research on issues of concern to Aboriginal people.²

The Impetus for the First Aboriginal Policy Research Conference

The idea for holding a national conference dedicated to Aboriginal issues grew from simple frustration. While there are many large conferences held in Canada every year, Aboriginal issues are often only an afterthought or sub-theme at best. More frequently, Aboriginal issues are as marginalized as the people themselves and are either omitted from the planning agenda or are begrudgingly given the odd token workshop at other national meetings. While Aboriginal peoples account for only about 3% of the Canadian population, issues pertaining to them occupy a disproportionate amount of public discourse. In fact, in any given year, the Aboriginal policy agenda accounts for anywhere from 10–30% of Parliament's time, and litigation cases pertaining to Aboriginal issues have no rival in terms of the hundreds of billions of dollars in contingent liability that are at risk to the Crown. Given these and other policy needs, such as those posed by the dire socio-economic conditions in which many Aboriginal people live, it seems almost bizarre that there are so few opportunities to promote evidence-based decision making and timely, high-quality research on Aboriginal issues. Hence, the 2002 Aboriginal Policy Research Conference was born.

In order to address the shortcomings of other conferences, the APRC was designed and dedicated first to crosscutting Aboriginal policy research covering issues of interest to all Aboriginal people regardless of status, membership, or place of residence. Second, the conference was designed to be national in scope, bringing together stakeholders from across Canada, in order to provide a forum for discussing a variety of issues related to Aboriginal policy research. Finally, in

designing the conference, we specifically sought to promote structured dialogue among researchers, policy-makers, and Aboriginal community representatives.

The first conference was seen worldwide as an important and successful event.³ The feedback that we received from participants indicated that the conference provided excellent value and should be held at regular intervals. It was decided, given the wide scope and effort needed to organize a conference of this magnitude, that it should be held every three years. In March, 2006, the second APRC was held.

Aboriginal Policy Research Conference 2006

The 2006 APRC was jointly organized by Indian and Northern Affairs Canada, the University of Western Ontario, and the National Association of Friendship Centres (NAFC).⁴ The 2006 APRC was intended to 1) expand our knowledge of Aboriginal issues; 2) provide an important forum where these ideas and beliefs could be openly discussed and debated; 3) integrate research from diverse themes; 4) highlight research on Aboriginal women's issues; 5) highlight research on urban Aboriginal issues; and 6) allow outstanding policy needs to shape the future research agenda.

Although the 2002 APRC was quite successful, we wanted to raise the bar for the 2006 event. During and after the 2002 conference, we elicited feedback, both formally and informally, from delegates, researchers, sponsors, and participating organizations. We acted on three suggestions from these groups for improving the 2006 conference.

First, we made a concerted effort to ensure that Aboriginal youth participated in the 2006 conference, because today's youth will be tomorrow's leaders. The NAFC organized a special selection process that allowed us to sponsor and bring to the conference over 30 Aboriginal youth delegates from across Canada. The NAFC solicited the participation of Aboriginal youth with a focus on university students or recent university graduates. A call letter was sent to more than 100 of the NAFC centres across Canada. Potential youth delegates were required to fill out an application form and write a letter outlining why they should be selected. The NAFC set up an adjudication body that ensured the best candidates were selected and that these youth represented all the regions of Canada. The travel and accommodation expenses of these Aboriginal youth delegates were covered by the conference.

A parallel track was also put in place in order to encourage young researchers to participate at the conference. A graduate-student research competition was organized and advertised across Canada. Aboriginal and non-Aboriginal graduate students were invited to submit an abstract of their research. Nearly 40 submissions were received, and a blue-ribbon panel selected 12 graduate students to present their research at the conference. The travel and accommodation costs of these graduate students were also covered by the conference. The research

papers of the 12 graduate students were judged by a blue-ribbon panel and the top five students were awarded financial scholarships of \$1,000 to help with their studies.

Second, at the 2002 conference, research sessions and workshops were organized by the sponsors. The sponsors (government departments and Aboriginal organizations) showcased their own research, or research that they found interesting or important. At the 2002 conference, there was no venue for accepting research that was not sponsored. For the 2006 conference, we wanted to attract a broader range of research, so a call for papers was organized and advertised across Canada. Over 70 submissions were received from academics and community-based researchers. About half of these submissions were selected for inclusion in the conference program.

Third, the 2002 conference focused solely on Canadian research on Aboriginal issues. For the 2006 conference, we accepted research on international Indigenous issues, and many foreign scholars participated. In fact, the UN Permanent Forum on Indigenous Issues held one of its five world consultations at the conference. This consultation brought experts on well-being from around the globe and greatly enhanced the depth of international involvement at the 2006 APRC.

The APRC is a vehicle for knowledge dissemination. Its primary goal is to showcase the wide body of high-quality research that has recently been conducted on Aboriginal issues in order to promote evidence-based policy-making. This conference is dedicated solely to Aboriginal policy research in order to promote interaction between researchers, policy-makers, and Aboriginal peoples. It is hoped that this interaction will continue to facilitate the means by which research or knowledge can be translated into effective policies.

Of course, many different groups have vested interests in conducting research and in the production of knowledge and its dissemination. Some battle lines have already been drawn over a wide variety of controversial issues pertaining to Aboriginal research. For example, can the research enterprise coexist with the principles of “ownership, control, access, and possession” (OCAP)? Are different ethical standards required for doing research on Aboriginal issues? Does Indigenous traditional knowledge (ITK) compete with or complement Western-based scientific approaches? Does one size fit all, or do we need separate research, policies, and programs, for First Nations, Métis, and Inuit? Many of these issues are both emotionally and politically charged. These issues, and the passion that they evoke, render Aboriginal research a fascinating and exciting field of endeavour. The APRC provides an important forum in which these ideas and beliefs can be openly discussed and debated, while respecting the diversity of opinions which exists.

The APRC was designed to examine themes horizontally. Rather than looking at research themes (e.g., justice, social welfare, economics, health, governance, demographics) in isolation from one another, an attempt was made to integrate these themes in the more holistic fashion that figures so prominently in Aboriginal

cultures. By bringing together diverse research themes, we hoped that more informed policies would be developed that better represent the realities faced by Aboriginal people.

This conference was also designed to ensure that gender-based issues were prominent. In addition to integrating gender-based issues with the many topics of the conference, specific sessions were designated to address issues of particular importance to policies affecting Aboriginal women. This included, for instance, a one-day pre-conference workshop on gender issues related to defining identity and Indian status (often referred to as Bill C-31). This book contains papers from this pre-conference workshop, it is the third volume of the 2006 proceedings and the fifth volume in the *Aboriginal Policy Research* series.

The conference also gave considerable attention to the geographic divide that exists between rural and urban environments. Nearly half of the Aboriginal population lives in urban environments, yet little research or policy attention is devoted to this fact. Specific sessions were designated to address research that has been undertaken with respect to Aboriginal urban issues.

The conference engaged policy-makers and Aboriginal people as active participants, rather than as passive spectators. By engaging these two groups, research gaps can be more easily identified, and researchers can be more easily apprised of how to make their work more relevant to policy-makers. In addition, the conference promoted the establishment of networks among the various stakeholders in Aboriginal research. These relationships will provide continuous feedback, ensuring that policy needs continue to direct research agendas long after the conference has ended.

In the end, 1,200 delegates participated at the conference from Canada and numerous countries in Europe, Asia, Latin America, North America, and the South Pacific. The conference planning included 20 federal government departments and organizations,⁵ seven Aboriginal organizations,⁶ four private corporations,⁷ and the UWO. Feedback from participants and sponsors indicates that the 2006 conference was even more successful than the previous one. This was not too surprising, given that in addition to the plenary sessions there were over 90 research workshops in which delegates met to hear presentations and discuss research and policy issues.⁸

Breaking New Ground

While the APRC brought people from many nationalities and ethnicities together, it also provided a forum for showcasing Inuit, Métis, and First Nations performing arts. The conference delegates were exposed to a wide variety of cultural presentations and entertainment: Métis fiddling sensation Sierra Nobel energized delegates with her youthful passion and the virtuosity of her music; different First Nations drum groups invigorated the audience; Juno and Academy Award winner Buffy Sainte-Marie entertained and mesmerized

everyone. We saw demonstrations of Métis fancy dancing, and the skill and artistic splendour of two-time world champion hoop dancer, Lisa Odjig; we heard the rhythmic and haunting sounds of Inuit throat singers, and Karin and Kathy Kettler (sisters and members of the Nukariik First Nation); and we laughed uproariously at the humour of Drew Haydon Taylor (the ongoing adventures of the blue-eyed Ojibway). The conference was indeed a place where diverse Aboriginal cultures met, and the artistic talents of the aforementioned performers were shared with delegates from across Canada and around the world.

Research, Policy, and Evidence-based Decisions

It was Lewis Carroll who said, “If you don’t know where you are going, any road will get you there.”⁹ Knowing where you are going requires a plan, and that can only be based on understanding the current and past conditions. The first APRC, and the 2006 conference, was centred on promoting evidence-based policy-making. We stated previously that, in part, our conference was designed to deal with the communication challenges that face social scientists—both inside and outside of government—policy-makers, and the Aboriginal community. Could we bring these different communities of interest together to develop a better understanding of the problems and processes that create the poor socio-economic conditions facing Aboriginal people in Canada? And equally, could we find the basis that has created the many successes in the Aboriginal community? Could we develop the co-operative relations that would foster evidence-based policy-making and thereby make improvements in those conditions? And equally, could we develop those relations in order to promote the “best practices” in terms of the successes? We are acutely aware that policy-makers and researchers, both those in and out of government, too often live and work in isolation from each other. This means that the prerequisite linkages between research and policy are not always present. This linkage is something we referred to in earlier volumes as the research-policy nexus.¹⁰

Our aim has been to strengthen that research-policy nexus. The APRC is first and foremost a vehicle for knowledge dissemination and, with a captive audience of many senior federal policy-makers,¹¹ the conference was able to enhance dialogue between researchers and decision makers and, ultimately, promote evidence-based decision making. More broadly, both the 2002 and 2006 conferences succeeded in helping to raise the profile of Aboriginal policy research issues, including identifying research gaps, promoting horizontality, and enhancing dialogue with Aboriginal peoples.

Moreover, in order to produce superior quality research, there is much to be gained when researchers, both in and out of government, work in co-operation on problems and issues together. Beyond just disseminating the results of research, the APRC was also about the discussion and sharing of research agendas, facilitating data access, and assisting in analysis through mutual critique and review.

We feel strongly that the highest quality research must be produced, and that that research must be communicated to policy-makers for consideration in formulating agendas for the future. If you wish to make policy on more than ideological and subjective grounds, then you need to help produce and use high calibre research understandings. It is simply not enough to delve superficially into issues or be driven by political agendas that have little grounding in the current situation. The APRC is designed to challenge ideologically driven thinking and push people past prejudice, superficiality, and subjectivity.

Policy that affects Aboriginal people is made by Aboriginal organizations, Aboriginal governments, and Aboriginal communities. It is also made by national and provincial governments and the civil service and civil society that attaches to those systems. We encourage all these peoples and bodies to embrace the realities they face with the best understandings of the world that evidence can give them.

Volume Five—The Contents of the Proceedings

by Jerry White, Erik Anderson, Wendy Cornet, and Dan Beavon

Bill C-31, an *Act to Amend the Indian Act*, was made into law 22 years ago in 1985. Bill C-31 was intended to bring the *Indian Act* into conformity with gender equality rights provided under section 15 of the Canadian Charter of Rights and Freedoms and section 35(4) of the *Constitution Act*, 1982. It changed the rules for Indian registration under the *Indian Act* and substantially increased the numbers of individuals eligible for registration. It also allowed First Nations to have limited control over their memberships, but only after certain individuals who had lost Indian status under the *Indian Act* prior to 1985 were granted reinstatement upon application to both Indian status and First Nation membership.

The *Indian Act* has had a profound historical impact on shaping Aboriginal identities, and the 1985 amendments have resulted in both continuing and new challenges. The challenges that Bill C-31 has posed for Aboriginal women, First Nation communities, and different levels of Aboriginal and non-Aboriginal governments are many and diverse. They include the continuing effects of gender discrimination from previous versions of the *Indian Act*, competing notions of “Indianness” in the face of shifting demographics, and a renewed debate over First Nation control of membership and Registered Indian status in the context of self-determination and sovereignty. Control is increasingly at the forefront of any discussion of First Nation membership, and is often couched in terms of citizenship and nationhood.

In the end, Bill C-31 attempted to strike a balance between ending all gender discrimination under the *Indian Act* while respecting First Nations’ control of membership. Much has been written about the impacts of Bill C-31 from a number of competing viewpoints since 1985, but commentators by and large agree that it has failed on both of these counts. While Bill C-31 has been much maligned

and criticized over the years, it has perhaps been less easy for commentators to develop workable solutions to the complex confluence of Aboriginal control in the face of attempts to correct for an historical gender discrimination not of their making.

And yet this is exactly where we find ourselves 22 years after the creation of Bill C-31—in need of a different solution and a different approach to these issues.

Both Indian and Northern Affairs Canada (INAC) and Status of Women Canada (SWC) have supported research programs on Bill C-31 issues. In September 2003, the Research Directorate of SWC through the Policy Research Fund held a targeted call for proposals on “Bill C-31—Membership and Status.” The Research and Analysis Directorate at INAC has undertaken Bill C-31 research since the mid-1990s. The second Aboriginal Policy Research Conference (APRC) presented an ideal opportunity to showcase recent research funded through these programs, as well as other current research initiatives. INAC and SWC joined forces to lead development on a full-day pre-conference workshop on March 19, 2006, that brought together historical, demographic, and legal scholars, as well as First Nation community representatives. A lot of care was taken with numerous partners in the development of an interactive workshop with a well-balanced mix of presentations.

The decision to develop a book of proceedings from this workshop as part of the *Aboriginal Policy Research* series was an easy one to make. All of us involved agreed that a thorough and up-to-date review of historical, legal, and policy issues was very much needed. In addition, as pressure to amend the *Indian Act* on other topics continues, unresolved policy questions concerning the 1985 amendments will continue to percolate, as they touch on almost every aspect of the *Indian Act*. This body of work examining the range and complexity of Bill C-31 issues under a single volume will be extremely useful to anyone concerned with the future of the *Indian Act*, and the ongoing dialogue on self-government rights, human rights, and collective rights.

Additionally, this book tells the stories of women impacted by Bill C-31, interspersed between the sections. These stories are based on research conducted by The Nova Scotia Native Women’s Association (NSNWA) in 2005 and compiled in a project entitled *Bill C-31 Women’s Profiles: A Personal Impact*. This project was funded by Status of Women Canada.¹²

Clara Gloade, the president of the NSNWA, presented the results of this project at the pre-conference workshop, noting that the interviews represent a form of oral history providing insight into how the 1985 amendments affected Native women then and now. She noted that in conducting the interviews, the NSNWA found many of the women to be very bitter about their experiences and wanted their stories told. Reinstated women said they are still being treated in a discriminatory way—now because of their status as persons reinstated under Bill C-31.

Clara Gloade asked those listening to her speak to imagine ourselves in the place of these First Nations women. Imagine being told that if you fell in love and married a non-First Nation man, she said, the Government of Canada can take away your birthright, your identity, and what few rights you have as a First Nations person.

So that the reader may imagine his or herself in the place of these First Nations women, we present these thoughtful and personal accounts that speak eloquently to the impacts on the women and their communities.

The opening two chapters provide some historical foundations for the reader. The first chapter, “The Search for Consensus: Legislative History of Bill C-31, 1969–1985” (Chapter 1) by Gerard Hartley, examines the legislative history of Bill C-31 and describes the social and political context in which federal *Indian Act* policy developed during the period from 1969–1985. His paper on the legislative history of Bill C-31 traces the struggle for gender equality by women who married non-Indian men from the Lavell and Bedard cases in the 1970s, through the Lovelace case and inclusion of gender equality under the Charter in the early 1980s, to the development of Bill C-31 in 1985. This story is one of a series of obstacles to a debate over gender equality both within the federal government and within the Aboriginal community. Importantly, this struggle is set against the backdrop of the failed 1969 assimilationist White Paper policy, which significantly increased fears and mistrust within the Aboriginal community toward any government-led initiative to amend the *Indian Act*. This historical analysis is critical to an understanding of the challenges facing any further policy development in this area, especially in the context of continued developments in Aboriginal autonomy and self-governance. Hartley covers, not only the origins of the debate over Aboriginal women’s rights in Canada, but also the emergence of competing viewpoints within the Aboriginal community: Who should or could be members? The paper follows these debates and traces the evolution of government thinking on *Indian Act* policy, by explaining the influence of various Aboriginal viewpoints on the policy considerations. The chapter lays out the rationale for Bill C-31, the different Aboriginal views of the bill, and makes the case that despite years of consulting with Aboriginal leaders on how to amend the *Indian Act*, the federal government passed Bill C-31 in 1985 without the consent of these leaders. He traces the possible reasons why there was a failure to achieve a consensus among Aboriginal peoples and leaders and why the bill was eventually opposed by many in the communities. Hartley argues that it was political considerations, such as the creation of an equality provision in the Canadian Charter of Rights and Freedoms and a United Nations ruling on the loss of status by Sandra Lovelace, that led to the passage of the Bill.

Chapter 2 by Martin Cannon, is framed as a “history of injustice surrounding the 1985 *Indian Act* amendments.” Given the legislation is predicted by most to have impacts on many very central issues, such as land rights, citizenship, and Aboriginal identity, the author sets out to develop discussions on each of these

three. Cannon discusses his current qualitative research to explore the “involuntary enfranchisement” of Status Indians in Canadian policy. He argues that legal assimilation is less threatening to individuals who understand Aboriginal identity and Aboriginal community in its multiple facets but even individuals who are knowledgeable are unable to prevent the legal assimilation of Status Indians and their reserve lands in Canada today. He concludes that Bill C-31 is not about women, nor was the process really about women’s identity. It has become clear to Cannon that it is about Aboriginal identity, because the legislation has an impact on both men and women and affects the whole Aboriginal community.

Considerable time has passed since the enactment of Bill C-31, but arguably the issues of paramountcy or “sequencing” between collective and individual rights remain: the debate over whether the issue of residual gender discrimination should take priority over the issue of First Nations governance or whether First Nations control should take priority, leaving individual rights to be decided on a First Nation by First Nation basis.

Also critical to any policy development today is an understanding of the impacts Bill C-31 has had at the community level. If there is one piece that has been missing from the debate, it is this dynamic. Bill C-31 had specified that INAC would report back to parliament in two years time on the impacts that it has had. This period was ultimately stretched to five years time, based on the finding that the full impacts of the bill had not yet been felt. In 1992, 47 communities were examined for impacts from the bill, but the final report concluded that still insufficient time had passed for a full accounting of impacts. This analysis, however, represents the last attempt by government to monitor the community-level impacts of its bill. For this reason, a large portion of the Bill C-31 pre-conference workshop was devoted to discussion of community-level impacts. There are a number of papers within this volume that examine the individual and community-level impacts from different perspectives.

The next paper is chiefly concerned with community impacts. In “Bill C-31: A Study of Cultural Trauma,” (Chapter 3) Jo-Anne Fiske and Evelyn George they set out to examine the Bill C-31 impacts in new ways. They saw the previous investigations as centering on gender conflicts arising from the reinstatement of women who lost status through out-marriage, issues of conflict between individual and collective rights, and questions of identity arising from distinctions made between Status and Non-Status Indians. In their paper, they shift the focus of investigation and present Bill C-31 and the attendant policy as cultural trauma. Jo-Anne Fiske and Evelyn George, and our interspersed accounts taken from the Nova Scotia Native Women’s Society research headed-up by Clara Gloade, detail the personal and often devastating impacts felt by individuals from Bill C-31. Their look at cultural trauma from Bill C-31 includes an examination of collective stigmatization or rejection that can be felt from one’s own culture. Their emphasis is on the imposition of patrilineal identity on matrilineal cultures, and the resulting fragmentation of First Nations identity. They highlight the policy shift in 1985,

which required the naming of fathers on birth and Indian registration documents for the purposes of determining Registered Indian status, and made children's status based on both parents. This had a particularly devastating impact on families and communities. Fiske and George conclude that the trauma generated by C-31 arises from the ongoing and persistent destruction of individual well-being and collective continuity. They conclude that "where law and force of the state delegitimizes established forms of family, kin, and identity, law remakes identity." This leads to generations that cannot relate to family in the way they want and on their own terms.

This theme is further developed by Michelle Mann in a later chapter, which further discusses impact analysis and proposed policy options related to this issue.

In the first of his two chapters (Chapter 4) Stewart Clatworthy takes a quantitative approach to the community-level impacts of Bill C-31 on the Brokenhead Ojibway Nation in Manitoba. His paper uses methodology that he developed and refined for over a decade to examine the population increases, real and projected, to both the Registered Indian population and population of band members (see White et al 2003). This type of analysis is critical for helping First Nations and the federal government understand the long-term impacts of their respective policies, and for informing policies that can have profound impacts on future populations. Clatworthy's paper also adapted methodology from earlier government analysis of community-level impacts, by surveying both on- and off-reserve Brokenhead members on a series of issues related to community, family, and individual impacts. This portion of the analysis was treated as a test-case and points to the further need for understanding and monitoring these impacts. He explores a broad range of the potential impacts associated with Bill C-31 including population and demography, First Nations membership, the demand for (and use and costs of) key programs and services, and social and political changes within the community. He concludes that the 1985 *Indian Act* amendments have had significant impacts on the size of Brokenhead's Registered Indian population. Clatworthy found no real impact on services but does conclude that high rates of inter-marriage may result in growing numbers of children who will not have entitlement to Indian registration and consequently will not be members of the community under Brokenhead's current membership rule. The paper argues that the impacts of Bill C-31 will force Brokenhead to address issues related to membership, preserving political and social equality, ensuring access to programs and services, and "differential rights and entitlements of different classes of citizens."

Stewart Clatworthy's second chapter, "Indian Registration, Membership, and Population Change in First Nations Communities" (Chapter 5) demonstrates the population increases and projections of both the Registered Indian and membership populations, at the national level. Clatworthy highlights the important distinction between Indian registration and First Nations membership for many First Nations who have chosen to develop their own membership codes under the 1985 amendments to the *Indian Act*. He begins with a brief examination of different broad

categories of membership rules, and undertakes population projections based on these rule types, among other factors, in comparison with Registered Indian population projections. He finds that for some First Nations, the future populations of Registered Indians and First Nation members will begin to diverge sharply in the not-to-distant future, and other First Nations may experience growing classes of reserve residents with membership, but lacking Indian status, or with Indian status but lacking membership. This, he notes, could have significant impacts on future service provision for a number of First Nations. His research findings are particularly relevant for future First Nation policy development in the area of membership or citizenship.

The volume concludes with two chapters that deal with very salient issues. In “Indian Registration: Unrecognized and Unstated Paternity” (Chapter 6), Michelle Mann examines the enormous problem that 19% of all children born to subsection 6(1) registered women have no paternity stated. The INAC registrar demands that there be evidentiary proof of paternity. This, argues Mann, creates the problem that tens of thousands of children have unstated paternity. She examines the various approaches that are open to INAC and concludes that major changes are likely needed. She advocates that INAC consult with Native women’s groups, and other stakeholder groups, as well as culturally trained and knowledgeable counsellors. She does advocate changes such as allowing women to swear affidavits on the paternity, which is much simpler than the current requirements.

Wendy Cornet concludes the book with a study of the role of federal law in the chapter “First Nation Citizenship, Kinship, Gender, and Race” (Chapter 7). She points out that Aboriginal people cope with layers of legal identities that are confusing, sometimes contradictory, and always beyond their control. The consequences are dire for those who can not interpret the myriad of laws and regulations. For example, the difference between “being able to reside on-reserve or not, being able to buy a house on-reserve or not, having access to post-secondary education, employment training, and other programs.” The level of complexity and arbitrariness governing Indian status and band membership can create difficult barriers and levels of burden that are impossible or impractical for many to deal with. This leads to confusion and conflict for both leaders and individuals.

Wendy Cornet argues that the goal of ensuring the equality and cultural rights of First Nation peoples is not well served by the continued statutory use of the racial term “Indian,” and may be better served by First Nation concepts and use of criteria such as culture and family relationships. She points to the increasing arbitrariness of the historical definition of “Indian,” culminating in the either/or type classification system based on descent under the current *Indian Act*. The greater the degree of arbitrariness, she argues, the greater the potential for harm to individual identities and rights. She outlines a number of useful social and legal concepts of race, culture, and citizenship as a backdrop to a discussion of the complex mixture of legal definitions of “Status Indian,” “band member,” or even “treaty beneficiary,” with their uniquely associated rights and benefits. Cornet

points out several policy alternatives that could revise the Indian status and band membership provisions under the *Indian Act*, including moving towards clearer recognition of First Nations citizenship. These proposals are aimed at eliminating residual sex discrimination, recognizing Indian status entitlement, addressing issues of unstated paternity and discriminatory treatment of children, and eliminating the concept of Indian status.

Endnotes

- 1 More specifically, the conference was organized by the Strategic Research and Analysis Directorate, INAC and the First Nations Cohesion Project, the Department of Sociology at the UWO. Dan Beavon and Jerry White acted as conference co-chairs from their respective organizations.
- 2 One of the other funding bodies for academic research, the Canadian Institute of Health Research, also has a program (the Institute of Aboriginal Peoples' Health) that supports research to address the special health needs of Canada's Aboriginal peoples.
- 3 The Canadian government commented on the importance of the APRC in a speech to the United Nations in Geneva on July 22, 2003. More specifically, see the statement by the observer delegation of Canada to the United Nations Working Group on Indigenous Populations, Twenty-First Session, July 21–25, 2003.
- 4 Consequently, there were three conference co-chairs: Dan Beavon, Director of the Strategic Research and Analysis Directorate, INAC; Jerry White, Professor of Sociology and Senior Advisor to the Vice President at the University of Western Ontario; and Peter Dinsdale, Executive Director of the National Association of Friendship Centres.
- 5 The federal departments and organizations provided funding support at three different levels. Gold: Indian and Northern Affairs Canada, Human Resources and Skills Development Canada, Department of Justice Canada, Status of Women Canada, Health Canada, Veterans Affairs Canada, Fisheries and Oceans Canada, Canada Housing and Mortgage Corporation, Correctional Service Canada, Atlantic Canada Opportunities Agency, Canadian Council on Learning, Canadian International Development Agency, Public Safety and Emergency Preparedness, Social Sciences and Humanities Research Council of Canada, and Canadian Institutes of Health Research. Silver: Canada Economic Development for Quebec Regions, the Policy Research Initiative, and Canadian Heritage. Bronze: Natural Resources Canada and Statistics Canada.
- 6 National Association of Friendship Centres, Aboriginal Healing Foundation, First Nations Statistical Institute, National Aboriginal Housing Association, Indian Taxation Advisory Board, National Aboriginal Forestry Association, and National Aboriginal Health Organization.
- 7 Public History, Canadian North, VIA Rail Canada, and Canada Post.
- 8 There were also four all-day pre-conference workshops that attracted nearly 300 delegates. These four pre-conference workshops included Harvard University's Research Model on Aboriginal governance; Aboriginal demographics and well-being; Bill C-31 and First Nation membership; and records management for First Nations.
- 9 This famous quote is actually a paraphrase of what the Cheshire cat said to Alice in Carroll's book, *Alice's Adventures in Wonderland*. Chapter 6, "Pig and Pepper." 1865.
- 10 The research-policy nexus is built on the foundation of dialogue and discourse between those making policy and those discovering and interpreting the evidence that should underscore it. When superior quality research is produced and used in making policy, this completes the structure.
- 11 While there are many Canadian cities with larger Aboriginal populations, in terms of both proportions and absolute numbers, Ottawa was selected as the most logical conference site because it would have otherwise been difficult to engage the participation of such a large number of senior federal policy-makers. In many ways, the conference was about educating and exposing this group to the vast array of research that has been done on Aboriginal issues.
- 12 *Nova Scotia Native Women's Association Bill C-31 Native Women's Profiles* was funded by Status of Women Canada's Women Program. The resulting document expresses the views of the authors and does not necessarily represent the official policy of Status of Women Canada or the Government of Canada.