

Electoral Insight – Aboriginal Participation in Elections

Aboriginal People's Electoral Participation in the Canadian Community

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My purpose in this introductory article is to set the issue of Aboriginal electoral participation in a larger context – to step back from the particulars of voting turnout, for example, and explore the relationship of Aboriginal peoples to the overall Canadian community. To focus only, or even primarily, on electoral behaviour – its presence or absence and its nature – is to exclude the larger set of meanings derived from history and from relations to the constitutional order as a whole that individuals bring to the decision to participate or not. [Footnote 1](#) I have not attempted a comparison among First Nations, Inuit and Métis peoples (the 'Aboriginal Peoples of Canada') or between on- and off-reserve members of First Nations, or among the varying situations in the northern territories and the 10 provinces. Although the discussion primarily focuses on Status Indians, it is relevant to the larger enterprise of understanding voting and not voting by Canada's Aboriginal people.

Constitutional stigmatisation



Prime Minister Louis St. Laurent met with Chiefs of the Blackfoot Council in Calgary, Alberta. During St. Laurent's term (1948–1957) and many prior decades, Status Indians could not vote in federal elections unless they gave up their status.

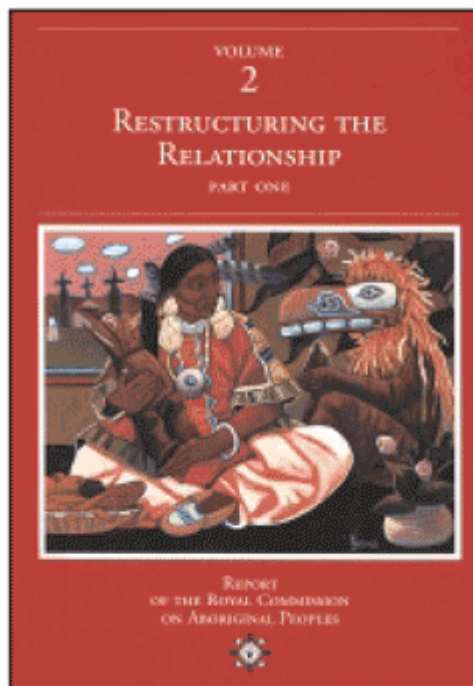
A widespread diffuse alienation from the Canadian constitutional order crops up again and again in the literature dealing with Aboriginal issues and concerns. Elsewhere I have argued that the historical treatment of Aboriginal people is appropriately described as "constitutional stigmatisation." [Footnote 2](#) The anthropologist Noel Dyck noted the "unvarying and unceasing message" aimed at First Nations peoples, pointing out the unacceptability of the way they live and that "to become worthwhile as individuals" they must follow the

dictates of their "current tutelage agents." Not surprisingly, the First Nations reciprocated with negative evaluations of government. The leading theme in First Nations discourse, according to the sociologist Rick Ponting, is "the 'untrustworthiness of government.' The federal government ... was repeatedly portrayed as betraying trust, being deceitful, lying, not dealing in good faith, and being insincere or hypocritical."[Footnote 3](#)

Historically, government policy on Aboriginal matters was an education in not belonging, in outsidersness. Residential schools were instruments to socialize the young into the values of the larger society, and out of identification with and allegiance to Aboriginal ways of life. This cultural assault included a prohibition on the use of Native languages by students.

More generally, of course, the *Indian Act* placed First Nations peoples in the position of wards who needed custodial care while they were being prepared for admission into the larger society. From Confederation to the federal government's 1969 White Paper on Indian Policy, the official goal was assimilation. First Nations peoples were subject to a special act of Parliament (the *Indian Act*), were geographically separated from the majority population by the system of reserves, were under the authority of Indian agents who administered the Act, and with a few exceptions were deprived of the franchise until 1960. The policy of enfranchisement, the giving up of legal Indian status to become a standard Canadian citizen, presupposed the two were incompatible. Enfranchisement, of which few Status Indians took advantage, was a policy tool for assimilation. Overall, federal policy reinforced the separateness of First Nations peoples that it was supposed to be overcoming.

Constitutional alienation



In 1996, the Royal Commission on Aboriginal Peoples recommended that "the federal government, following extensive consultations with Aboriginal peoples, establish an Aboriginal parliament whose main function is to provide advice to the House of Commons and the Senate on legislation and constitutional matters relating to Aboriginal peoples."

Not surprisingly, this experience was not a recipe for a positive allegiance to Canada. The Mohawk scholar Patricia Monture-Angus responded to this history of humiliation with the assertion that "as part of my personal commitment to 'unlearn' colonization I refuse to think of this land as Canada, Ontario, Quebec, and so on. When I travel I think in terms of whose

territory I am visiting – the Cree, the Algonquin, the Dene and so on."^{Footnote 4} Elsewhere, she denied Canadian citizenship, as have another Mohawk scholar, Taiaiake Alfred, and Matthew Coon Come, former National Chief of the Assembly of First Nations (AFN) (2000–2003).^{Footnote 5} Remarkably, three of the six candidates for National Chief at the 1997 AFN leadership convention denied they were Canadian.^{Footnote 6}

While overt denial of Canadian citizenship is almost certainly a minority position, the remainder are captured by John Borrows' phrase as "uncertain citizens."^{Footnote 7} Not surprisingly, the attitudes that underlie the phrase "uncertain citizens" cast a shadow of illegitimacy or at least questionable status over other fundamental institutions. Although adoption of the *Canadian Charter of Rights and Freedoms* was strongly supported by the Native Women's Association of Canada, it was roundly condemned by the Assembly of First Nations, and by Mary Ellen Turpel, a leading Aboriginal scholar,^{Footnote 8} as an alien document whose values were deemed incommensurable with Aboriginal values. Overall, the debate about the Charter was deeply divisive within First Nations communities.^{Footnote 9} In sum, "uncertain citizens" had an ambivalent response to one of the central symbols of contemporary Canadian identity. Some of the opposition was directed against the Charter's political purpose of strengthening Canadian identity.

First Nations peoples have idiosyncratic attitudes to federalism. Provincial governments, often with good reason, are viewed suspiciously as unsympathetic to First Nations. Forty years ago, the Hawthorn report noted the "strong link ... and special emotional bond with the federal government" of Indian peoples, contrasted with "suspicious and hostile attitudes to the provincial governments."^{Footnote 10} In the contemporary climate of Indigenous nationalism, however, there is a strong distrust of the federal government, seen as a colonial government administering an *Indian Act* virtually devoid of defenders. The Royal Commission on Aboriginal Peoples (RCAP) repeatedly denied the legitimacy of all Canadian governments.^{Footnote 11}

RCAP's partial and selective view of a reconstitutionalized federal Canada to reflect its multinational nature viewed federalism almost entirely in terms of self-rule, and paid almost no attention to the shared rule dimension. A proposed new third chamber of Parliament was given the task of protecting the interests of the Aboriginal Nations it was to represent. RCAP's massive report displayed no, or at least negligible, appreciation that shared rule in the federal capital involves Canada-wide concerns, and that representatives in one of their roles should think and speak and act for the country as a whole. Federalism was overwhelmingly viewed in terms of the escape offered by a third order of government, and minimally in terms of the dimension of shared participation in governing Canada.

Attitudes to electoral participation partly derive from negative assessments of Parliament. The establishment of the Royal Commission on Aboriginal Peoples suggested that the normal processes of democratic politics and parliamentary government were inadequate to meet the policy needs of Indigenous peoples. The Commission's report confirmed that rationale. It devoted distressingly few pages to parliamentary representation (8 pages out of more than 3,500), and its attitude was dismissive. It wrote of the "inherent ineffectiveness of the democratic political relationship as seen by Aboriginal peoples ... such representation,

when cast in terms of conventional democracy, is itself regarded as illegitimate. Aboriginal peoples seek nation-to-nation political relations, and these cannot be achieved simply by representation in Canadian political institutions."[Footnote 12](#) In the most exhaustive examination ever undertaken of the relation between Aboriginal people and the Canadian State, the Royal Commission's discussion of Parliament has all the appearance of an afterthought, included because of a belated recognition that to say nothing would be a public embarrassment.

The RCAP critique was not surprising, given that Commission Co-chair Georges Erasmus had previously given a devastating critique of the incapacity of Parliament to advocate Aboriginal rights and concerns.[Footnote 13](#) A few years later, Ovide Mercredi, who succeeded Erasmus as AFN National Chief, repeated Erasmus' critique: "the one person one vote foundation for electoral power only translates into white majority rule, and ... we are the objects of governmental decisions ..."[Footnote 14](#)

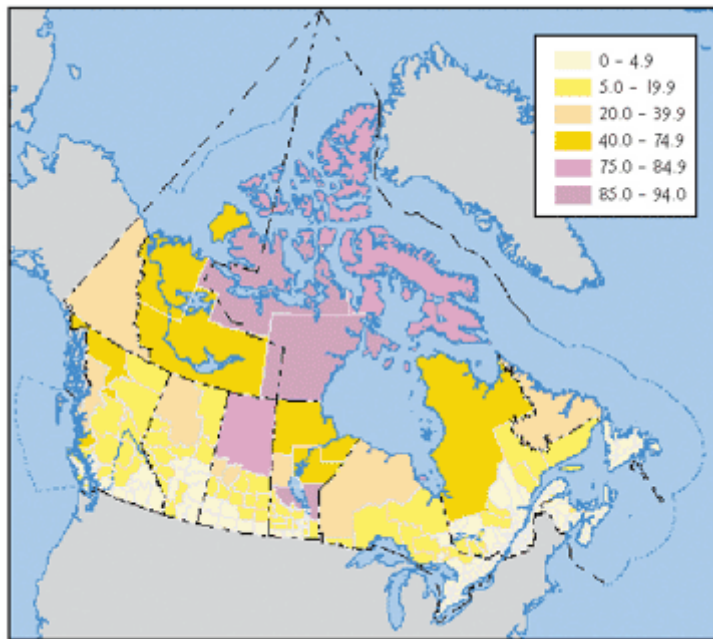
This litany of critiques suggests that Aboriginal voting turnout will be below the Canadian average. Part of the explanation is practical. Many urban Aboriginal persons move frequently, have low literacy levels, are unemployed, are disconnected from mainstream society and are distanced from the discussion process that attends federal elections. It is, accordingly, difficult for political parties to catch their attention. Malloy and White observe that "natives do not place a high priority on voting in Canadian elections."[Footnote 15](#) According to many, voting for candidates and membership in legislatures "gives unwarranted legitimacy to non-native governments." Roger Gibbins, another keen student of elections, observed that if election participation measures a community's political health, "in the case of Canada's aboriginal peoples, the vital signs are often distressingly weak."[Footnote 16](#)

It would be wrong to suggest that hostility to the Charter, faulty appreciation of federalism, antipathy for Parliament, distrust of the federal government, suspicion of the provinces and weak participation in elections are universally distributed throughout First Nations communities and among non-Status Indians, let alone throughout the larger Aboriginal peoples category in the *Constitution Act, 1982* which includes Inuit and Métis. After all, there are defenders of the Charter, Aboriginal members of Parliament and of provincial and territorial assemblies, and Aboriginal voters. Nevertheless, especially among First Nations peoples, there is obviously a culture of suspicion, distrust and less than whole-hearted belonging to Canada.

Who speaks for Aboriginal peoples?

Percentage of Aboriginal Population by Census Division, 1996

The map Percentage of Aboriginal Population by Census Division shows the percentage of the total population who identified themselves as Aboriginal in each census division. The data are from the 1996 census and are based on responses to the question: "Is this person an Aboriginal, that is, North American Indian, Métis or Inuit (Eskimo)?" The map is divided into six classes with light yellow colours being used for census divisions having a low proportion of Aboriginal people, and mauve being used for census divisions having a high proportion of Aboriginal people in their populations. The Atlas of Canada. © 2003.



A crucial factor often overlooked in analyzing Indigenous-State relations is the special role in the political process of the Assembly of First Nations and the other major organizations speaking for the Inuit, the Métis and Aboriginal women (the Native Women's Association of Canada). The predecessors of the contemporary organizations were initially financially supported by the federal government following the withdrawal of the 1969 White Paper. The clear rationale for federal support was to enhance the Aboriginal voice, on the ground that the Aboriginal population was too small, scattered and financially weak to have a parliamentary voice proportionate to its needs. The continuing political role of countrywide Aboriginal organizations suggests a relative incapacity of Parliament to speak for Aboriginal concerns.

Native organizations constitute an admittedly erratic rival system of representation to that of Parliament. They play a special advocacy role for Aboriginal peoples/nations, which elevates them above the interest/pressure group category. Representatives of national Aboriginal associations participated in the four special constitutional conferences (1983–1987) to define and flesh out the Aboriginal treaties and rights in section 35 of the *Constitution Act, 1982* and in the intergovernmental meetings that led to the 1992 Charlottetown Accord. Three of the four Aboriginal commissioners in the seven-member RCAP had held high executive office in Aboriginal associations. Georges Erasmus, Commission Co-chair, had been National Chief of the AFN from 1985–1991. [Footnote 17](#)

The AFN and the other pan-Canadian Aboriginal organizations are more than standard interest groups. Their existence and prominence constitute something between a supplement and an alternative to parliamentary representation of Aboriginal people. They have an ambiguous constitutional status. They are recognized as speaking for the Aboriginal nations of Canada, although intermittently their representativeness is challenged, as was the case for the AFN under the recent leadership of Matthew Coon Come.

For the AFN, Parliament and the federal government pose a fundamental contradiction. On the one hand, First Nations people vote for candidates for Parliament, occasionally get

elected, and may attain Cabinet status. On the other hand, the federal government, through the Department of Indian and Northern Affairs, administers an *Indian Act* universally held to be an anachronism surviving from a colonial past. From this perspective, the federal Parliament is the legislative arm of a colonial power that can most effectively be challenged by external pressure from the political leadership of a nationalist movement. Participation in electoral and parliamentary processes carries a tinge of consorting with the oppressor, especially when party discipline muffles dissenting voices.

The federal government derives authority over "Indians, and Lands Reserved for the Indians" from *The Constitution Act, 1867* (s. 91(24)). This was the constitutional justification for the *Indian Act*, the legislative arm of a system of internal colonialism that administered the lives of First Nations peoples. The post-1982 Constitution, by contrast, embodies an emancipatory vision by declaring that "the existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed." (s. 35) In the clash between these two visions, the federal government is saddled with trying to update or shed anachronistic legislation while Aboriginal people and those who speak for them focus on the emancipatory possibilities of section 35.

The coexistence of rival claims to speak for Aboriginal nations – the federal government, acting on the authority of section 91(24), and native organizations, especially the AFN, focusing on section 35 and seeking to energize a stalled decolonization process, may be a transitional phenomenon, an eminently justifiable departure from standard constituency representation in Parliament. Even if this is the case, the fact remains that we are left with a constitutional incoherence which presupposes and strengthens the thesis that Parliament has limited legitimacy and capacity to speak for Aboriginal people.^{Footnote 18} The logical consequence of these rival systems of representation is that elections have diminished significance, which reduces the incentives to vote.

Nation-to-nation



This demonstration for land rights outside the Supreme Court of Canada in Ottawa on June 21, 2001, illustrates the demand of many Aboriginal groups in Canada for recognition as self-governing nations. The hundreds of blankets represent land and security.

The ambivalence towards Parliament is reinforced by the widespread expression of various themes, perhaps best described as pre-theories, which attempt to capture from an Aboriginal, especially First Nations, perspective, the future toward which we should be heading. Two are of special importance. By the time RCAP reported in 1996, Indian bands

were adding "nation" to their titles at a rapid rate. By the turn of the century, nearly 200 bands had done so. That same current of thinking led Mary Ellen Turpel to suggest that Indigenous members of legislatures should be thought of as "ambassadors or international representatives." ^{Footnote 19} To RCAP, "nation" was the fundamental unit of analysis, and the relation between Aboriginal peoples and the Canadian State was to be nation-to-nation. Canada was to become a multinational federation in which interactions would be among nations, not citizens.

"Multinational" Canada may have been little more than a starting point for constitutional theorizing, but the phrase as employed by RCAP clearly rejected the idea of Canada as a coast-to-coast community of citizens, and simultaneously rejected the idea of the House of Commons as representing individual citizens divided into several hundred constituencies. The Royal Commission did not see its task as incorporating Aboriginal individuals into the Canadian community of citizens, but as incorporating self-governing Aboriginal nations, through their governments, into the Canadian system of governments. The nation-to-nation thesis repudiates the representational basis of the House of Commons and the electoral process that produces it. The dominant interpretation of the Two Row Wampum thesis, ^{Footnote 20} which describes First Nations and White people travelling in separate boats down the river of life, stresses the separateness of the two societies, and thus adds support to the nation-to-nation thesis.

Colonialism

The adjective "colonial" attaches itself almost automatically to the analysis of post-Confederation relations between Aboriginal people and the Canadian State. After all, the treatment of members of First Nations as wards, their marginalization, and the premise that they needed to be governed by superior others who were the vanguards of the future differed little from the premises that informed the colonial relationship in the overseas territories of the European empires.

A colonial interpretation of the past, especially when it leads to an anticolonial nationalism, acts as a barrier to seeing citizenship as an instrument of emancipation. Escape from a colonial past is normally seen as an act of collective empowerment or emancipation of a nation, not as an aggregation of individual citizen memberships in the community that previously kept one's people out as lacking the appropriate credentials. Anti-colonial nationalism increases the social distance between its adherents and non-Aboriginal Canadians. It focuses on the maximum autonomy possible for self-governing Aboriginal nations and deflects attention from the shared rule dimension of federalism. It leads to a weak conception of Canadian citizenship, and to a limited empathy for electoral systems that accord primacy to individual voters.

The nation-to-nation image and a colonial analysis both lead in the same direction – to a relative delegitimation of Parliament as presently constituted, to antipathy for pan-Canadian citizenship, to a stress on difference and otherness, and to separate goals for Aboriginal and non-Aboriginal peoples. I do not know how pervasive these perspectives are, but that they express one version of a spirit of the times is undeniable. In the absence of contrary

incentives that reduce their salience, they contribute to a relative lack of interest in Parliament, with predictable consequences for voter turnout.

Self-government versus participation in the whole of Canadian civic life

Brief mention of an occasionally heard thesis that self-government may be in tension with participation in the whole of Canadian civic life – including elections – will round off this discussion. It is true that much more



Parliament adopted the Canadian Charter of Rights and Freedoms in 1982.

attention, academic and other, is lavished on self-government than on electoral participation and representation in legislatures. Self-government has a higher priority for the AFN than participation in elections. The scant attention paid to Parliament and elections in the massive 1996 Royal Commission report is an additional indication. The limited attention of the scholarly community is another. Moreover, any single Supreme Court decision significantly affecting Aboriginal rights will elicit more periodical articles in the immediate aftermath than will be devoted to Aboriginal people and legislatures in a decade. There is, therefore, an undeniable attention deficit. Political enthusiasm and academic adrenalin are more easily stimulated by the heady wine of Aboriginal nationalism and the inherent right to self-government than by the more humdrum business of elections for minority Aboriginal populations unlikely to gain more than a toehold in legislatures – the northern territories being an obvious exception.

However, a bias in political and scholarly attention does not attest to a logical incompatibility between self-government and participation in the federal election process. First Nations will have small populations even if consolidation into larger groupings takes place. Even the most generous self-government arrangements will leave hugely important policy areas beyond their grasp, in the hands of federal and provincial governments. To opt out of the possibility of influencing these policy areas from the inside would surely be attended by a heavy price tag. It would inform legislators and governments that policy areas beyond the reach of Aboriginal governments could be handled with minimal attention to Aboriginal interests. It is difficult to see how this could be viewed as an advantageous outcome by the citizens of First Nations governments or of other self-governing Indigenous communities. Further, the large off-reserve Status Indian population, even if now politically linked to reserves by the Corbiere decision,^{[Footnote 21](#)} would risk reducing attention to its needs by avoiding participation in municipal, provincial and federal politics. Finally, and even more emphatically, there is no reason why the non-Status urban Indigenous population should avoid participating in federal elections because some Indigenous people elsewhere are practising self-government.

Perhaps, however, there is some constitutional principle that either precludes voter participation by citizens of self-governing First Nations, or asserts that MPs with Aboriginal nations in their constituencies should have their parliamentary roles restricted in certain circumstances. During the long struggle over the status of Quebec in Canada, federalists often argued that if Quebec achieved extensive asymmetrical status, Quebec members of the federal Parliament would have to opt out of discussions in federal policy areas that applied to the rest of Canada, but not to Quebec. The issue was correctly seen as an issue of fairness.

The fairness argument, however, has much lesser validity for small Aboriginal nations. Their limited governing capacity means their encroachment on federal powers is much less. Further, with rare exceptions, reserve populations are part of larger constituencies, usually with non-Aboriginal representatives. How would an MP behave if different Aboriginal nations in his or her constituency had dissimilar jurisdictional powers? His or her vote could not be fragmented to reflect these differences. This is only the beginning of complexity. Unlike Quebec, a single jurisdiction, there could be as many as hundreds of Aboriginal nations wielding different jurisdictional packages scattered across many constituencies. Keeping these distinctions alive in a legislature would be an administrative nightmare. The superior solution, given the very limited powers Aboriginal governments would typically wield, is to accept that the situations of MPs with self-governing Aboriginal nations in their constituencies are minor anomalies, troubling only to the pedantic.

The alleged conflict between the practice of self-government and participation as voters, candidates for office, members of the House of Commons and as holders of ministerial portfolios lacks substance. The idea that there is a conflict or incompatibility between participation in federal elections and self-government is illogical. To suggest that small communities of a few hundred or a few thousand people should be required to opt out of federal elections because they are nations, or because their limited legislative powers infringe marginally on federal jurisdiction, is to punish small communities by isolating them from their Canadian counterparts. Even "an autonomous Aboriginal nation," correctly argues John Borrows, "would encounter a geography, history, economics, and politics that requires participation with Canada and the world to secure its objectives." [Footnote 22](#) Aboriginal people are inevitably caught up in the consequences of federal, provincial, territorial and, often, municipal politics. Participation in these arenas is an essential support for self-government.

Some Aboriginal nations, or their members, may feel that participation in federal elections is incompatible with the nation-to-nation relationship they prefer, or that it accords a legitimacy to the federal government they do not wish to grant. However, if practicalities are considered, I suggest that the wiser strategy is full participation in urban, provincial, territorial and federal politics as voters and candidates. The negative effects of the previously imposed isolation, when Indians were deprived of the franchise, are unhappy reminders from the past.

Ending colonialism is not an easy task. Remarkable progress has been made in the past half-century. No longer marginalized wards of the state, Indian peoples belong to First

Nations. Indigenous leaders head two of the northern territories. That federal voting participation falls short of the Canadian average should surprise only the naive. That we have some way to go should not blind us to the fact that we have come a long way.

NOTES

[Footnote 1](#) See also Kiera L. Ladner, "The Alienation of Nation: Understanding Aboriginal Electoral Participation," in this issue for analysis of the widespread alienation of Aboriginal people from the electoral process.

[Footnote 2](#) Alan C. Cairns, "Constitutional Stigmatisation," in Patrick J. Hanafin and Melissa S. Williams, eds., *Identity, Rights and Constitutional Transformation* (Aldershot: Ashgate Publishing, 1999).

[Footnote 3](#) J. Rick Ponting, "Internationalization: Perspectives on an Emerging Direction in Aboriginal Affairs," *Canadian Ethnic Studies* Vol. 22, No. 3 (1990), p. 93. Cree leader Billy Diamond reported that his father taught him "one thing ... never, never agree with the government – no matter what. And I never have. Never." Roy MacGregor, *Chief: The Fearless Vision of Billy Diamond* (Markham, Ontario: Viking/Penguin, 1989), p. 4.

[Footnote 4](#) Patricia Monture-Angus, *Thunder in My Soul: A Mohawk Woman Speaks* (Halifax, Nova Scotia: Fernwood Publishing, 1995), p. 245, note 13.

[Footnote 5](#) Monture-Angus, *Thunder in My Soul*, p. 167, note 16. Taiaiake Alfred, *Peace, Power, Righteousness: An Indigenous Manifesto* (Don Mills, Ontario: Oxford University Press, 1999), p. 19. Roger J. Augustine and Guy A. Richard, *Miramichi Bay Community Relations and Building Bridges: Miramichi Fishing Communities at a Crossroads* [on-line report] at www.dfo-mpo.gc.ca/COMMUNIC/Marshall/miramichi/miramichi-rep_e.htm.

[Footnote 6](#) Kevin Bruyneel, "Smash Your Protractor! The Complicated Geometry of Aboriginal Politics in Canada," paper prepared for presentation at the Canadian Political Science Association Annual Meeting, Toronto, Ontario, May 31, 2002, pp. 21–22.

[Footnote 7](#) John Borrows, "Uncertain Citizens: Aboriginal Peoples and the Supreme Court," *Canadian Bar Review* Vol. 80, Nos. 1 and 2 (March – June 2001), pp. 15–41.

[Footnote 8](#) Mary Ellen Turpel, "Aboriginal Peoples and the Canadian Charter: Interpretive Monopolies, Cultural Differences," *Canadian Human Rights Yearbook* (Toronto: Carswell, 1989–1990).

[Footnote 9](#) Brad Morse, however, argues that "the individual rights and liberties emphasized by the Charter are [now] becoming more accepted and internalized by Aboriginal people," leading to challenges to the laws and policies of all governments, including Aboriginal governments. Bradford Morse, *Twenty Years of Charter Protection: The Status of Aboriginal Peoples under the Canadian Charter of Rights and Freedoms* (no date), mimeo.

[Footnote 10](#) H. B. Hawthorn, ed., *A Survey of the Contemporary Indians of Canada*, Vol. 1 (Ottawa: Queen's Printer, 1966–1967), p. 199.

[Footnote 11](#) *Report of the Royal Commission on Aboriginal Peoples, Vol. 2, Restructuring the Relationship, Part One* (Ottawa: Canada Communication Group Publishing, 1996), pp. 4, 243, 374–375.

[Footnote 12](#) Royal Commission on Aboriginal Peoples, *Looking Forward, Looking Back*, Vol. 1, p. 249.

[Footnote 13](#) Canada, Debates of the Senate, November 18, 1987, p. 2201.

[Footnote 14](#) Mercredi, however, concluded his remarks by observing that "we can and do participate in the political life of the country." Ovide Mercredi, Vice-Chief Manitoba Region, Assembly of First Nations, in his "Presentation to the Royal Commission on Electoral Reform and Party Financing," April 19, 1990, mimeo, p. 3.

[Footnote 15](#) Jonathon Malloy and Graham White, "Aboriginal Participation in Canadian Legislatures," in Robert J. Fleming and J. E. Glenn, eds., *Fleming's Canadian Legislatures 1997*, 11th edition (Toronto: University of Toronto Press, 1997), pp. 60, 62.

[Footnote 16](#) Gibbins quoted in Trevor Knight, "Electoral Justice for Aboriginal People in Canada," *McGill Law Journal* Vol. 46 (2001), p. 1068.

[Footnote 17](#) Viola Marie Robinson was President of the Native Council of Canada from 1990–1991. Mary Sillet had been Vice President of the Inuit Tapirisat Canada for four years, and President of the Inuit Women's Association of Canada for two terms.

[Footnote 18](#) For example, at the four special constitutional conferences in 1983–1987, designed to flesh out the practical meaning of Aboriginal and treaty rights, at which participants included representatives of the major Aboriginal organizations, did the federal and provincial governments also speak for the Aboriginal citizens in their electorate? Or, and more likely, given the emerging nation-to-nation philosophy of interaction, were they pressed into the role of representing non-Aboriginal Canadians, who could be thought of as the "other side" or the "other nation"?

[Footnote 19](#) Mary Ellen Turpel, "Indigenous Peoples' Rights of Political Participation and Self-Determination: Recent International Legal Developments and the Continuing Struggle for Recognition," *Cornell International Law Journal* Vol. 25, No. 3 (1992), p. 600.

[Footnote 20](#) The Two-Row Wampum Treaty "is the treaty which governs the relationship between the Six Nations Confederacy ... and the settler nations," Patricia Monture-Angus, *Journeying Forward: Dreaming of First Nations Independence* (Halifax, Nova Scotia: Fernwood Publishing, 1999), pp. 36–37.

[Footnote 21](#) Macklem provides a useful summary of the decision: "Until recently ss. 2 and 77 of the *Indian Act* restricted the right to vote and run for office to band members 'ordinarily resident on the reserve,' but this restriction was successfully challenged as contrary to s. 15 of the Charter." Patrick Macklem, *Indigenous Difference and the Constitution of Canada* (Toronto: University of Toronto Press, 2001), p. 230, note 90. For the decision itself, see *Corbiere v. Canada (Minister of Indian and Northern Affairs)*, [1999] 2 S.C.R. 203.

Footnote 22 John Borrows, " 'Landed' Citizenship: Narratives of Aboriginal Political Participation," in Alan C. Cairns, et al., eds., *Citizenship, Diversity and Pluralism: Canadian and Comparative Perspectives* (Montréal and Kingston: McGill-Queen's University Press, 1999), pp. 74–75. Trevor Knight argues that "although guaranteed representation in Parliament is theoretically inconsistent with a conception of Aboriginal self-government that contemplates independence or absolute sovereignty, it can be seen as an appropriate, even necessary, component to the more commonly contemplated forms of self-government, by which Aboriginal people would maintain some ties to the Canadian state." Trevor Knight, "Electoral Justice for Aboriginal People in Canada," *McGill Law Journal* Vol. 46 (2001), p. 1078. Knight's logic is equally applicable to representation in the existing system of single-member constituencies.

Note:

The opinions expressed are those of the authors; they do not necessarily reflect those of the Chief Electoral Officer of Canada.