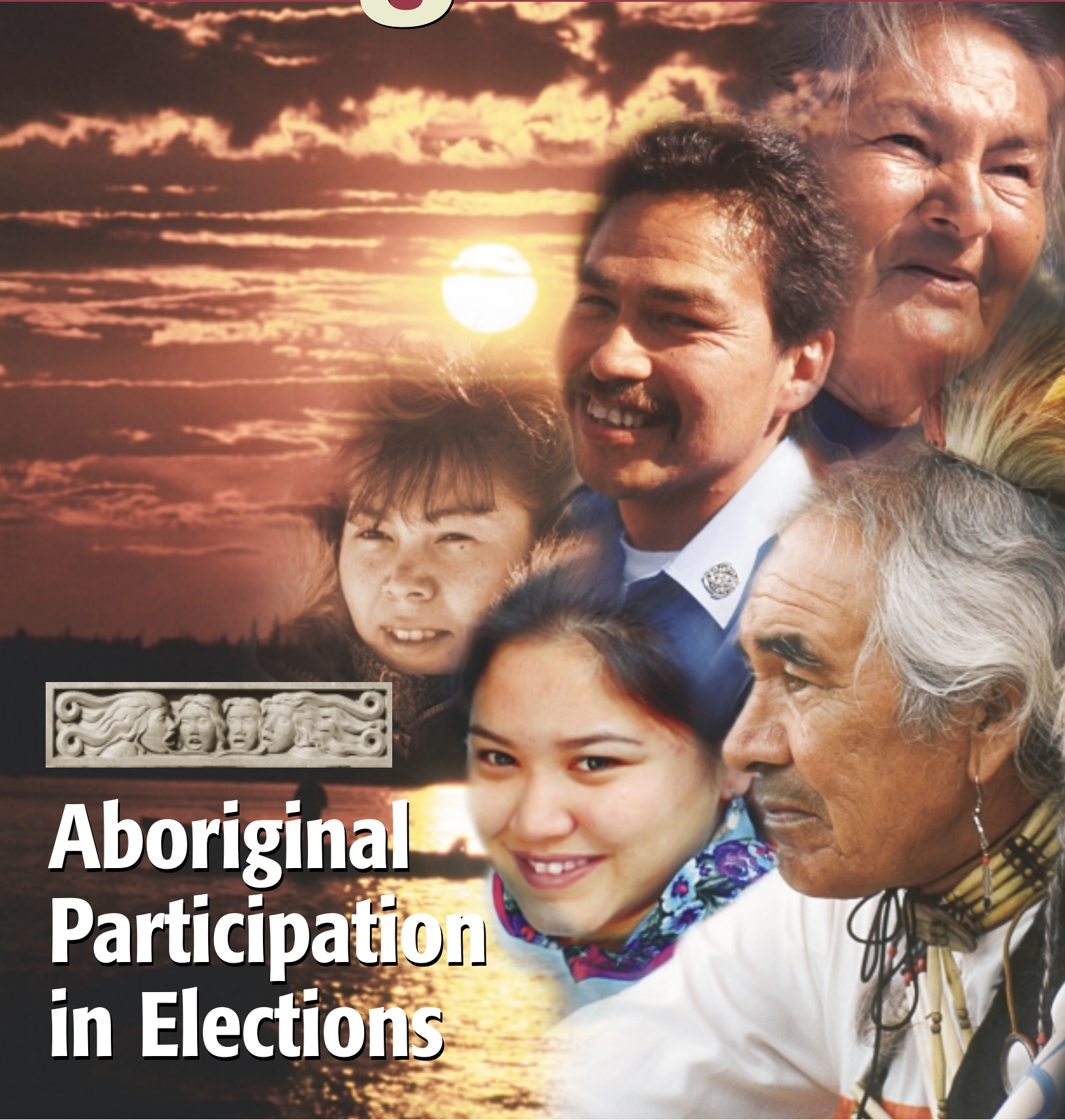


ELECTORAL **Insight**



Aboriginal Participation in Elections



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ISSN 1488-3538

EC 91828

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PRINTED IN CANADA



Eleanor Milne, Chris Fairbrother and
Marcel Joannis

The Vote (1979–1980)

Indiana limestone, 121.9 x 182.8 cm,

House of Commons, Ottawa

The base stone of *The Vote*, a sculpture on the east wall of the House of Commons chamber, shows four heads with flowing hair whose mouths shape, in song, the first syllables of Canada's national anthem, "O-Ca-na-da".

Cover photos: Fred Cattroll

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Elections Canada is the non-partisan agency responsible for the conduct of federal elections and referendums

Electoral Insight is published by Elections Canada three times a year. It is intended for those interested in electoral and related matters, including parliamentarians, officials of international and domestic electoral management bodies, election officers and academics. The opinions expressed are those of the authors; they do not necessarily reflect those of the Chief Electoral Officer of Canada.

Submissions of articles and photos that might be of interest to *Electoral Insight* readers are welcome, although publication cannot be guaranteed. If used, submissions will be edited for length and clarity as necessary.

Please address all contributions and letters to Wayne Brown, Managing Editor, *Electoral Insight*, Elections Canada, 257 Slater St., Ottawa, Canada K1A 0M6 (wayne.brown@elections.ca).



Jean-Pierre Kingsley
Chief Electoral Officer of Canada

Aboriginal Participation in Elections

This special issue of *Electoral Insight* is devoted to the important question of Aboriginal electoral participation. It presents analyses by a number of academics and researchers who have studied Aboriginal involvement at the federal, provincial and band levels in Canada and elsewhere. The research shows that, on average, Aboriginal people vote in federal elections at a lower rate than other Canadians. However, there are significant variations across provinces and territories, with some cases of participation at higher levels than the Canadian population as a whole. There is also evidence of lower turnout rates for Aboriginal voters in urban centres.

Our authors offer a number of explanations. These include, at least for a part of the Aboriginal population, mistrust of federal and provincial governments and a belief that pursuing self-government for their own communities is more important than voting in parliamentary or legislative elections. Some Aboriginal people in Canada were not given the right to vote until 1960, and this has not been forgotten. In addition, because most Aboriginal people are not concentrated geographically, it is difficult for them to capture the attention of political parties or win nominations as candidates. In turn, what some see as the lack of meaningful debate about issues that matter to Aboriginal people discourages them from voting.

What can be done to encourage more Aboriginal people to exercise their right to vote? Some of our authors advocate a form of guaranteed representation in Parliament. Others claim it would be more beneficial for Aboriginal people to work within the existing political system, and press for improvements, rather than opting out of the federal electoral process.

Elections Canada has undertaken many initiatives aimed at sensitizing Aboriginal people to their right to vote and making the electoral process more accessible. We have consulted many Aboriginal communities in preparing our information campaigns for recent elections, and in developing our liaison officer and elder and youth programs.

We are renewing our efforts in preparation for the next general election. We will expand the Aboriginal liaison officer program, hire more Aboriginal people as election officers and develop new information and advertising campaigns. I am also consulting Aboriginal leaders and youth about other possible measures, including ways of reaching the growing Aboriginal population in urban centres.

I am open to readers' suggestions about how to enhance the involvement of Aboriginal people in the Canadian electoral process. ✉

A handwritten signature in black ink that reads "Jean-Pierre Kingsley". The signature is written in a cursive, flowing style.

Jean-Pierre Kingsley



Aboriginal People's Electoral Participation in the Canadian Community

Alan C. Cairns

Adjunct Professor, Department of Political Science, University of Waterloo

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.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

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.”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.”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



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.

leadership convention denied they were Canadian.⁶

While overt denial of Canadian citizenship is almost certainly a minority position, the remainder are captured by John Borrows' phrase as "uncertain citizens."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,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.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

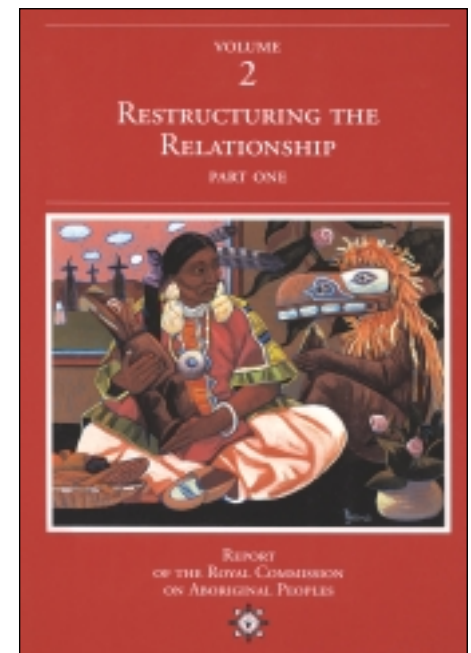
"suspicious and hostile attitudes to the provincial governments."¹⁰ In the contemporary climate of Indigenous nationalism, however, there is a strong distrust of the federal government, seen as a colonial government administering an *Indian Act* virtually devoid of defenders. The Royal Commission on Aboriginal Peoples (RCAP) repeatedly denied the legitimacy of all Canadian governments.¹¹

RCAP's partial and selective view of a reconstituted 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

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

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."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).⁵ Remarkably, three of the six candidates for National Chief at the 1997 AFN



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."

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."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.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 ..."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."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."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.

The AFN and the other pan-Canadian Aboriginal organizations are more than standard interest groups.

Who speaks for Aboriginal peoples?

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 country-wide Aboriginal organizations suggests a relative incapacity of Parliament to speak for Aboriginal concerns.

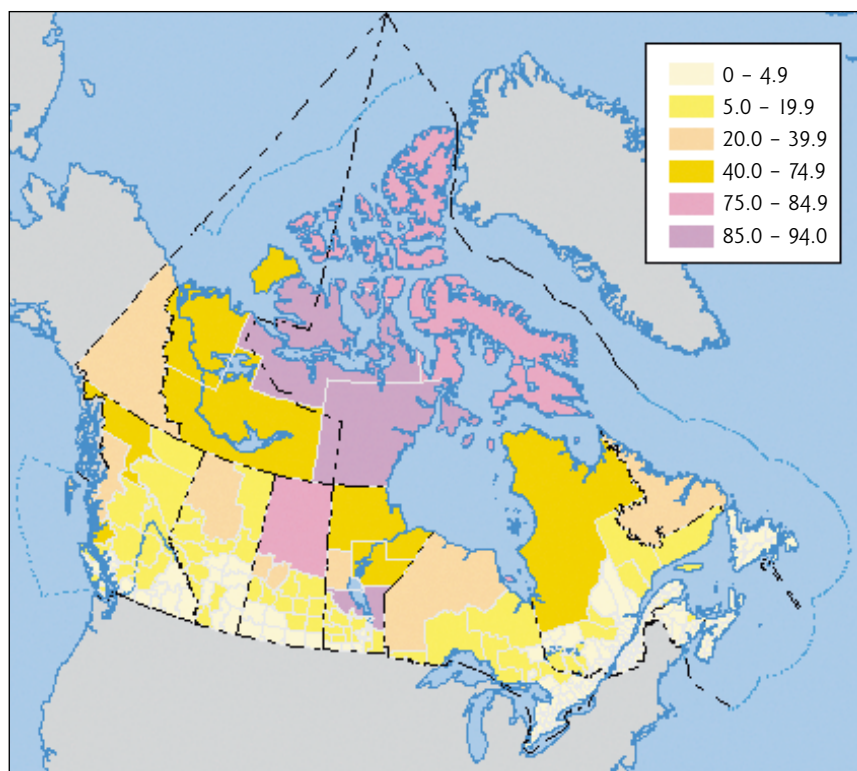
Native organizations constitute an admittedly erratic rival system of representation to that of Parliament. They play a special advocacy role for Aboriginal peoples/nations, which elevates them above the interest/

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 1985–1991.¹⁷

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

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.

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,



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 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.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

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.”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

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 ... into the Canadian system of governments.

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,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 anti-colonial 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 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



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

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,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.

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.”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. ✖

The idea that there is a conflict or incompatibility between participation in federal elections and self-government is illogical.

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

NOTES

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.
2. Alan C. Cairns, “Constitutional Stigmatisation,” in Patrick J. Hanafin and Melissa S. Williams, eds., *Identity, Rights and Constitutional Transformation* (Aldershot: Ashgate Publishing, 1999).
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.
4. Patricia Monture-Angus, *Thunder in My Soul: A Mohawk Woman Speaks* (Halifax, Nova Scotia: Fernwood Publishing, 1995), p. 245, note 13.
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.
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.
 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.
 8. Mary Ellen Turpel, "Aboriginal Peoples and the Canadian Charter: Interpretive Monopolies, Cultural Differences," *Canadian Human Rights Yearbook* (Toronto: Carswell, 1989–1990).
 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.
 10. H. B. Hawthorn, ed., *A Survey of the Contemporary Indians of Canada*, Vol. 1 (Ottawa: Queen's Printer, 1966–1967), p. 199.
 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.
 12. Royal Commission on Aboriginal Peoples, *Looking Forward, Looking Back*, Vol. 1, p. 249.
 13. Canada, Debates of the Senate, November 18, 1987, p. 2201.
 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.
 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.
 16. Gibbins quoted in Trevor Knight, "Electoral Justice for Aboriginal People in Canada," *McGill Law Journal* Vol. 46 (2001), p. 1068.
 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.
 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"?
 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.
 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.
 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.
 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.



Aboriginal Participation in Canadian Federal Elections

Trends and Implications

Daniel Guérin

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This article analyzes the participation of Aboriginal electors in the 2000 Canadian federal general election.¹ The differences between turnout rates for Aboriginal people and other Canadians and the differences across provinces and territories are analyzed using unpublished electoral data for First Nations reserves in each province and territory. Finally, certain implications of this analysis for the development of measures to encourage Aboriginal participation in federal elections are discussed.

Trends in Aboriginal turnout

Data on voting participation by Aboriginal people in Canada are quite limited. As Bedford and Pobihushchy have pointed out in their study of Aboriginal participation in the Maritimes, “very little attention has been directed at Indian (or more generally, Aboriginal) voter participation in Canadian politics by students of electoral participation.”²

The few available studies show that, on average, the turnout of Aboriginal people at federal elections is lower than that of other Canadians.³ That said, turnout among Aboriginal voters varies greatly across provinces and communities. In some areas, turnout among Aboriginal voters is higher than that of the Canadian population as a whole.

Historically, Aboriginal people and their communities in Canada have faced a series of obstacles to electoral

participation. The extension of the franchise to “registered Indians” is relatively recent. Nevertheless, a great deal of progress has been made since 1960, the year the federal government first allowed First Nations people living on reserves to vote at the federal level without having to give up their status under the *Indian Act*. It is important to recall that the lower turnout of Aboriginal voters observed since 1960 is not so unusual if we consider that it often takes several decades for newly enfranchised people to exercise their right to vote at a rate similar to that of the majority (African-Americans, for instance).

In addition, a significant number of Aboriginal people, as individuals and communities, still regard participation in non-Aboriginal elections or plebiscites as a threat to their unique rights, their autonomy and their goals of self-governance. Such persons hold a philosophical belief about the legitimacy of Aboriginal self-governance that differs fundamentally from that of the Canadian government; and may view other (non-Aboriginal) governments as irrelevant, even alien. Joan Carling suggests that national party system and electoral processes can be viable and meaningful to certain groups of Indigenous peoples in various national settings if there is democratic space within nation-states that provides an equal playing field for the participation of Indigenous peoples (in general); and that creating this democratic space should include recognition and respect for Indigenous peoples’ systems of decision-making and mechanisms for self-governance.⁴

Whatever their reasons for non-participation in Canadian federal elections, promoting greater involvement by Aboriginal people must be situated within a complex historical, cultural and political context. Thus, while the concern here is to understand the barriers to Aboriginal electoral participation in Canadian society, it is to be noted that not all such barriers are externally induced. Indeed, as discussed in other articles in this issue, some are more a result of voluntary political choices of Aboriginal people than the accessibility and administrative efficacy of various programs implemented by Elections Canada.

Factors behind low Aboriginal turnout

Evidence to date on Aboriginal voter turnout suggests the following questions: What structural and political factors account for the weak participation of certain Aboriginal peoples in federal elections? What cultural factors are related to Aboriginal participation in federal elections? What are the attitudes and values associated with not voting among Aboriginal people?

According to the Royal Commission on Electoral Reform and Party Financing, Aboriginal turnout depends on a number of factors related to the context of each election, such as the presence or absence of debate about issues that are relevant to Aboriginal people, and, in particular, the presence of Aboriginal candidates. The Commission identified a series of additional factors to explain the traditionally low participation of Aboriginal peoples, which may be grouped into several categories, and are based on the on- and off-reserve distinction.⁵

On reserves:

- Social conditions and other socio-demographic factors
- Cultural factors
- Political factors
- Problems of communication⁶

Off reserves:

- Geographic dispersion makes outreach challenging
- Weak social connectedness
- Social conditions

Empirical data on the *socio-psychological* characteristics of the Aboriginal voter population are essential for understanding the lower turnout of Aboriginal people at federal elections. Also essential are data on factors related to the *demographic* structure of Aboriginal communities. As noted above, a significantly higher proportion of the Aboriginal population is young (under 25) than in the Canadian population as a whole. This age structure tends to have a strong negative impact on Aboriginal participation, as it is well-known that youth vote at a rate significantly lower than older groups.⁷ Independently of age, knowledge about the electoral process is also demonstrated by research to have a significant influence on the likelihood of voting.

Turnout in recent federal elections

In March 2001, Ipsos-Reid reported the findings of a survey of 556 Aboriginal people, commissioned by Elections Canada, about their participation in the November 2000 federal election. Respondents were from the northern areas of the provinces of British Columbia, Alberta, Saskatchewan,

Manitoba, Ontario and Quebec, and other regions in these provinces and in Atlantic Canada with known heavier concentrations of Aboriginal people, as well as an over-sample of 150 Aboriginal people residing north of the 60th parallel.⁸ In that survey, seven in ten Aboriginal respondents (70 percent) indicated that they voted in the 2000 election. The proportion of respondents who say they voted may be inflated, however.⁹

... promoting greater involvement by Aboriginal people must be situated within a complex historical, cultural and political context.

In an internal Elections Canada study on the participation of Aboriginal people at federal elections prior to 2000, Jean-Nicolas Bustros points out that the only empirical evidence on Aboriginal turnout rates available for the whole country is provided by the detailed poll-by-poll reports of the Chief Electoral Officer. However, he observes that evidence can only be collected from polls with an exclusively Aboriginal population. Using this evidence, he reported a participation rate in such polls of 41 percent in the 1992 referendum, 38 percent in the 1993 general election and 40 percent in the 1997 general election. Bustros adds that Aboriginal voters who cast, or omit to cast, their vote in "mixed" polls could not be traced; nor was it possible to determine turnout rates for the large urban Aboriginal population.¹⁰

Bedford and Pobihushchy examined trends in voter turnout among Aboriginal people for federal, provincial and band elections in New Brunswick, Nova Scotia and

Prince Edward Island between 1962 and 1993. They found significant variations in turnout rates for *on-reserve Status Indians*. For example, participation rates were:

- 1988 federal election: 17.8 percent in New Brunswick, 54 percent in Nova Scotia and 72.8 percent in Prince Edward Island
- provincial elections: 27.6 percent in New Brunswick in 1991, 45.2 percent in Nova Scotia in 1993 and 78.4 percent in Prince Edward Island in 1993

... there was considerable variation in turnout rates across provinces and territories in the 2000 election ...

- band elections: in New Brunswick and Nova Scotia, consistently around the 90 percent mark from 1972 to 1992

The authors used voting results only from those polls situated entirely within the boundaries of reserves; results from other polling stations would have included information on participation by both First Nations and non-Aboriginal persons. Nevertheless, Bedford and Pobihushchy's research

method for assessing Aboriginal voter participation may be considered the "gold standard" for such research.

Analysis of Aboriginal turnout in the 2000 federal election

Empirical data on turnout rates in the 1992 referendum and recent federal elections, especially for exclusively Aboriginal polls, show a noticeable variation across Aboriginal communities and regions of the country. Bustros

indicated that in northern polls, where Aboriginal candidates were present, turnout rates were comparable to and even exceeded

those of non-Aboriginal communities; however, in the larger, southern Aboriginal communities, turnout rates were generally much lower than the Canadian average.¹¹

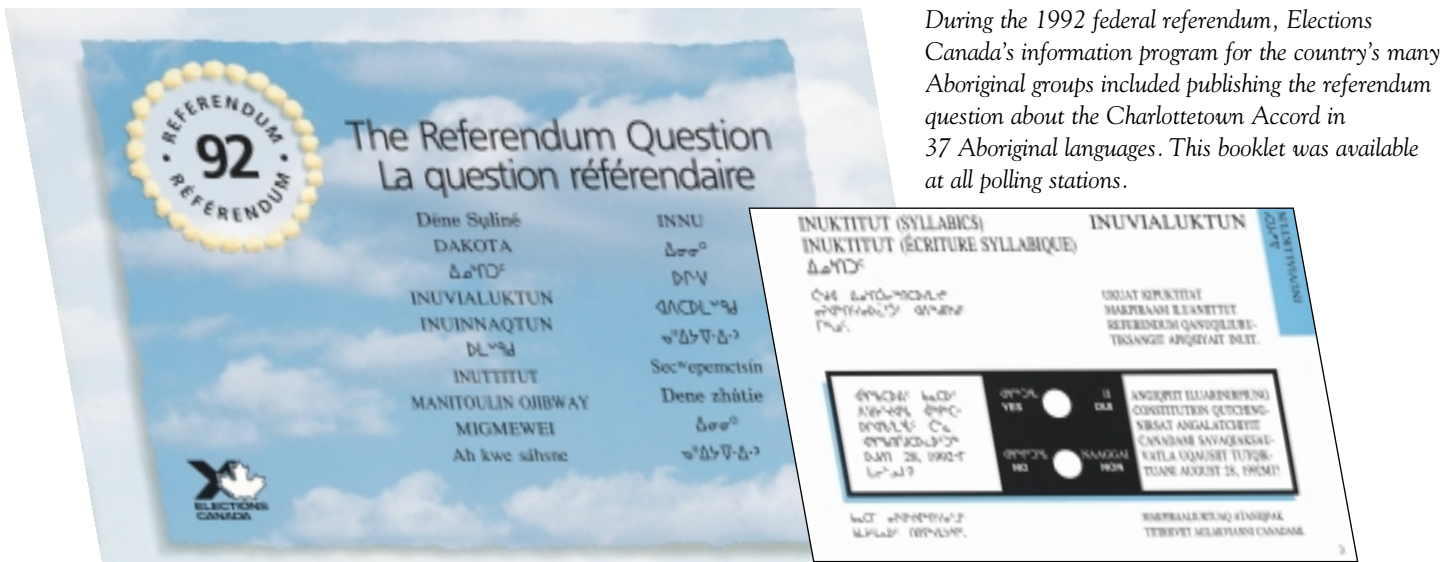
New analysis conducted by Elections Canada's National and International Research and Policy Development Directorate illustrates similar variations during the last federal election. Using the same methodology as the

Bedford and Pobihushchy study, this analysis examined participation rates among Aboriginal people living on reserves at the 2000 federal election.

The analysis included the 264 First Nations reserves whose boundaries corresponded exactly with the federal electoral polling divisions at that time. Overall, the turnout rate for all 296 polling stations covered by the study was 47.8 percent – 16 percent lower than the turnout among the general population during the same election.¹² At the same time, as shown in Figure 1, there was considerable variation in turnout rates across provinces and territories¹³ in the 2000 election:

1. High-turnout provinces and territories: Prince Edward Island, Saskatchewan, Nunavut,¹⁴ Alberta and British Columbia
2. Medium-turnout provinces and territories: Northwest Territories, Ontario, Newfoundland, New Brunswick and Nova Scotia
3. Low-turnout provinces: Manitoba and Quebec

Although comparable data are not available, there is some evidence to



During the 1992 federal referendum, Elections Canada's information program for the country's many Aboriginal groups included publishing the referendum question about the Charlottetown Accord in 37 Aboriginal languages. This booklet was available at all polling stations.

suggest that turnout is lower in the various urban centres with significant proportions of Aboriginal people. Current estimates are that about half the Aboriginal population does not reside on reserve lands.¹⁵ For example, according to a 2001 Ipsos-Reid survey,¹⁶ Aboriginal people living in urban areas were three times less likely to have said they voted in the 2000 federal election than those living on reserves. It is also worth noting that the “youth factor” has to be taken

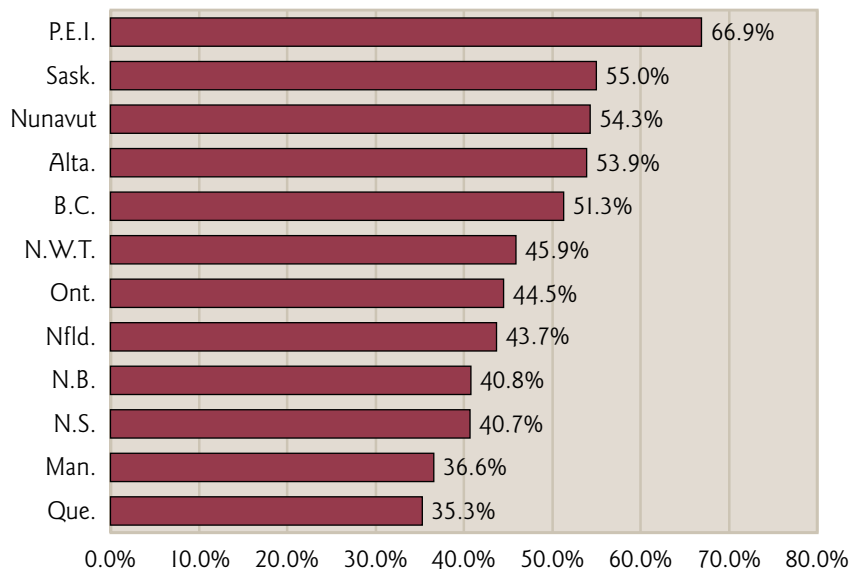


More information about the composition of the Aboriginal population in Canada can be found on the Statistics Canada Web site at www.statcan.ca/english/Pgdb/demo38a.htm.

into account when interpreting these results. According to 2001 Canadian census figures, approximately 50 percent of the Aboriginal population was 24 years of age or younger, compared to 31 percent of the general Canadian population.¹⁷ If this factor were taken into account, the overall difference between the turnout rate of Aboriginal people and that of the general population would probably be reduced. Finally, under-registration of Aboriginal electors may mean that available turnout rates are somewhat higher than they would be if coverage were more complete.

We can draw a number of lessons from the available research on Aboriginal participation in Canadian elections.

**Figure 1
Turnout Rates at Polling Stations on First Nations Reserves
(2000 General Election)**



Source: National and International Research and Policy Development, Elections Canada

N = 296 polling stations

- Participation of Aboriginal people at federal elections is usually lower than that of the general population, although there are significant variations across the country.
- Aboriginal turnout is affected by the context of each election, including whether there are Aboriginal candidates, and the presence or absence of debate about issues that are important to Aboriginal people.
- Various factors, often reinforcing one another, partly explain lower turnout rates of Aboriginal people. These are:
 - lower socio-economic and educational levels
 - disengagement from, or even opposition to, participation in the federal election process
 - geographical dispersion, particularly in northern Canada
 - cultural diversity (e.g. large number of languages)

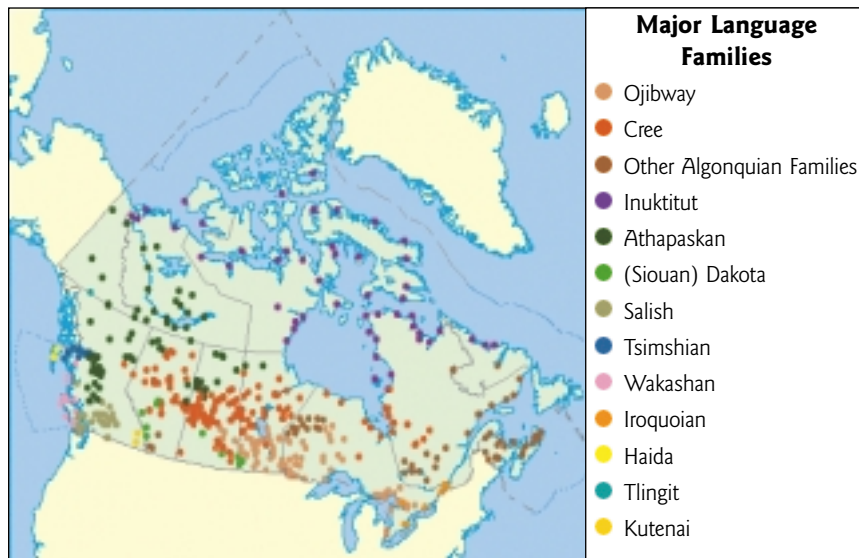
- difficulties in reaching the significant Aboriginal population not living on reserves

Aboriginal participation in the 2000 federal election

This examination of Aboriginal participation in the 2000 federal election is one of the first empirical analyses conducted in all the provinces and territories for a single federal election. Using a methodology similar to that adopted by Bedford and Pobihushchy in their pioneering study of Aboriginal participation in the Maritimes, it was demonstrated that the question of Aboriginal participation in federal elections is more complex than many observers of the political scene have generally believed.

According to our analysis, the Aboriginal participation rate in the 2000 federal election was 48 percent.

Aboriginal Languages by Community, 1996



The map *Aboriginal Languages by Community, 1996* shows the distribution and population of Aboriginal communities categorized by language family. The Aboriginal languages of Canada belong to 11 major language families. Most families consist of separate but related member languages, and each member language may include several dialects. The Atlas of Canada. © 2003.

This is 16 points below the rate for the Canadian population as a whole. These results tend to confirm a point that has been widely acknowledged in studies of Aboriginal participation in federal elections, i.e. their habitually low level of participation. However, our results for individual provinces and territories also tend to reveal a wide variation in the Aboriginal participation rates in federal elections.

In fact, there are three different groups of provinces and territories. Aboriginal electors in the first group (four provinces and one territory) had a turnout rate comparable to or slightly lower than the overall rate. The average turnout rate for Aboriginal electors in this group in the 2000 election was 56.3 percent.

In the second group of four provinces and one territory, the turnout rate for Aboriginal electors was more than 10 points lower than the overall turnout rate, that is, an average of

43.1 percent. Finally, there is a small group of two provinces (Manitoba and Quebec) where the turnout rate for Aboriginal electors was significantly lower than the rate for the Canadian public as a whole – 36 percent, which is roughly 30 points lower than the overall rate during that election.

The research could not determine the reasons for these significant variations. However, a number of hypotheses are possible. First, one might think that these variations, to a great extent, reflect the fact that Aboriginal participation in federal elections depends largely on cultural and social factors. This hypothesis can be called the socio-cultural explanation. The precise mechanism of these influences is difficult to judge at present, given the almost total lack of research on this question.

Another possible explanation is that the participation rates are influenced

more by the specific context of each election in each community than by long-term forces such as those that form the basis of the socio-cultural hypothesis. This explanation can be called the contextual hypothesis. It is also plausible, inasmuch as research has shown in the past that variables specific to the local electoral context, such as the presence of Aboriginal candidates or of debates on issues relevant to members of the First Nations, can have a marked influence on the turnout rate of Aboriginal people.

It is possible that a combination of several explanatory factors lies at the root of the variations in Aboriginal participation rates in Canada. That is why it would be advisable to develop a multivariate (and preferably multi-level) analytical model that takes into account factors relating to individuals, as well as factors relating to the social and political environment. In any case, the research reported in this article allows us to envisage a further step in the investigation of this question, that is, an analysis of other federal elections using the same analytical method.

Conclusion

In closing, some of the limitations of this research should be pointed out. The trends derived from this research are based primarily on data gathered on First Nations reserves. In order to extend the conclusions to the entire Aboriginal population of Canada, it will be necessary in subsequent analyses to include data on the electoral participation of Aboriginal people living off reserves, and particularly in cities. For the moment, there is little data available. It would thus be advisable to include larger samplings of these segments of the

Aboriginal population in upcoming electoral research and other surveys.

Finally, a word about some of the possible implications of this research for the development of programs to encourage participation in federal elections. The fact that we noted significant variations in participation rates across provinces and territories

means it is necessary to develop measures adapted to the different conditions of the varied communities and provinces/territories. This will require qualitative information to complement the quantitative data gathered through research such as this. Such information could come from consultations with the various groups concerned, Aboriginal officials and

opinion leaders, as well as other electors living in the diverse Aboriginal communities throughout Canada. These consultations could also serve to test any initiatives being developed and to ensure a reasonable level of acceptance among the communities targeted by such measures. ✕

NOTES

1. The author thanks Asifa Akbar, Analyst, National and International Research and Policy Development, Elections Canada, for her noteworthy contribution to this research.
2. David Bedford and Sidney Pobihushchy, "On-Reserve Status Indian Voter Participation in the Maritimes," *Canadian Journal of Native Studies* Vol. 15, No. 2 (1995), pp. 255–278.
3. R. Gibbins, "Electoral Reform and Canada's Aboriginal Population: An Assessment of Aboriginal Electoral Districts," in R. A. Milen, ed., *Aboriginal Peoples and Electoral Reform in Canada*, Vol. 9 of the Research Studies of the Royal Commission on Electoral Reform and Party Financing (Toronto: Dundurn Press, 1991), p. 160; Elections Canada, "Elections Canada Initiatives Concerning Aboriginal Electors: Elections Canada 1992–1999" (Presentation to the Assembly of First Nations, January 1999); Elections Canada, *Thirty-fifth General Election 1993: Official Voting Results* (Ottawa: Chief Electoral Officer of Canada, 1993); Chief Electoral Officer of Canada, *Thirty-sixth General Election 1997: Official Voting Results* (CD-ROM: Catalogue No. SE-1-1997-MRC).
4. Joan Carling, "Indigenous Peoples' Involvement in National Politics," in Kathrin Wessendorf, ed., *Challenging Politics: Indigenous People's Experiences with Political Parties and Elections* (Copenhagen: International Work Group for Indigenous Affairs, 2001).
5. Royal Commission on Electoral Reform and Party Financing, *Final Report*, Vol. 1 (Ottawa: Supply and Services Canada, 1991), pp. 168–170.
6. It is a well recognized fact that "less than adequate communications media are responsible for the diminished awareness and interest of Aboriginal people in the electoral process." (Royal Commission on Electoral Reform and Party Financing, *Final Report*, Vol. 1, Section "Equality and Efficacy of the Vote," p. 170.) See also Valerie Alia, "Aboriginal Peoples and Campaign Coverage in the North," in R. A. Milen, ed., *Aboriginal Peoples and Electoral Reform in Canada*, Vol. 9 of the Research Studies of the Royal Commission on Electoral Reform and Party Financing (Toronto: Dundurn Press, 1991), pp. 105–106.
7. See Jon H. Pammett and Lawrence LeDuc, "Explaining the Turnout Decline in Canadian Federal Elections: A New Survey of Non-voters," (Ottawa: Elections Canada, March 2003), p. 20.
8. As a result of this pre-selection process the survey is not truly representative of the national Aboriginal population but is simply a proxy; there is a greater margin of error for subgroups of the survey population; the margin of error for this sample was plus or minus 5 percentage points 19 times out of 20; the sample was weighted and is representative of Canada's age and gender composition according to the 1996 census data for Aboriginal people, but has not been weighted according to the actual voter turnout in the November 2000 election. Ipsos-Reid, *Elections Canada Survey on Aboriginal Participation*, Ottawa, June 2001.
9. The difference between the proportion of respondents who say that they voted in the general election and the estimated proportion of Aboriginal people who voted may be attributed to response bias and acquiescent bias.
10. Jean-Nicolas Bustros, "Electoral Participation of Aboriginal People: Summary of Previously Conducted Research and Analysis" (Ottawa: Elections Canada, Legal Services Directorate, March 2000).
11. Gibbins, "Electoral Reform and Canada's Aboriginal Population," p. 160.
12. We use here the turnout rate calculated after the Register was purged of duplicates, i.e. 64 percent (61 percent before the elimination of duplicates).
13. Yukon was excluded from the analysis because there was insufficient valid data.
14. In Nunavut, 22 of 25 Inuit communities were included in our study. It is worth noting that in Nunavut, there are 22 Inuit communities and no First Nations reserves. In Nunavut, the turnout rate is 10 percentage points higher than in the Northwest Territories, where we included 23 First Nations reserves and 5 Inuit communities.
15. It is difficult to estimate the total Aboriginal population reliably, but a figure of 900,000–1 million is often presented as a plausible approximation.
16. *Elections Canada Survey on Aboriginal Participation*.
17. Statistics Canada, *Aboriginal Population by Age Groups*, 2001 census, www.statcan.ca/english/Pgdb/demo38a.htm; Statistics Canada, *2001 Census, Age and Sex, for Canada, Provinces, and Territories*, www12.statcan.ca/english/census01/products/highlight/AgeSex/Page.cfm?Lang=E&Geo=PR&View=1&Table=4a&StartRec=1&Sort=2&B1=Median&B2=Both.



Aboriginal Voter Participation in Nova Scotia and New Brunswick

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Arend Lijphardt's 1996 Presidential Address to the American Political Science Association emphasized the problems faced by democratic states when participation in the electoral process is unequal. Participation, which is widely regarded as "an intrinsic democratic good,"¹ is instrumental to influence, so that groups that have lower rates of participation have less effect on system outcomes.² Lijphardt further noted that the literature on voter turnout has concluded that those who are socio-economically disadvantaged and have a lower overall status in society also have significantly lower rates of voter turnout, exacerbating their general powerlessness to effect outcomes.³ He advocated, therefore, that students of politics direct their attention to means of increasing participation rates.

Over the years, various reasons for differences in voter turnout have been proposed. A small number of variables has emerged in the literature as critical. Demographic factors such as education, income and sex, and personal psychological predispositions such as a sense of efficacy and a belief in civic responsibility, have all been shown to correlate with voter turnout.⁴ Furthermore, it is commonplace that elections of greater national importance have larger turnouts – often two or three times greater – than those of a purely local nature. While there are still unresolved questions about voter turnout, there is general agreement on the basic parameters.

The data on voting within the Aboriginal community, which are as yet still incomplete, sit very uncomfortably

with the orthodox understanding of electoral participation.⁵ The startling trends that emerge from the data yield new insights into the understanding of voting behaviour, as well as into the issues of Aboriginal self-governance and the relationship between Aboriginal communities and the Canadian state. Let us begin the discussion by presenting the data.

Data

A description of the nature of the data is in order.⁶ The data for New Brunswick and Nova Scotia, presented in Tables 1–4, are a census of all polls that were wholly included within reserve boundaries. As a result, there can be a high degree of confidence that (almost) all electors included are Status Indians. The data yield important information about First Nations persons living on reserves. However, this method of data collection leaves out many Status Indians and other Aboriginal persons. Therefore, it tells us nothing about the increasingly important urban or off-reserve Aboriginal populations, who must be surveyed using different techniques. Tables 5 and 6 present data on band elections in New Brunswick and Nova Scotia. Finally, Table 7 presents data on First Nations voter turnout in provincial elections across the rest of Canada. This information represents an incomplete sampling of reserve communities. Included in the study were 59 reserves with polling divisions wholly contained within the reserve boundaries. They were chosen at random from among the reserves that had wholly contained polling divisions.

Tables 1 and 2 present the results of First Nations voter turnout in New Brunswick, in federal and provincial elections respectively. The decline in voter turnout is more dramatic in New Brunswick than in any other province. Turnout in federal elections declined from 66.8 percent of First Nations electors in 1965 to 17.8 percent in 1988. However, Daniel Guérin's analysis of turnout on First Nations reserves in the 2000 federal election (see his article in this issue), indicates a subsequent improvement. Guérin reports a turnout rate of 41 percent in the polling stations covered by his research. The data for provincial elections show a marked decline during the period examined, dropping from 64.4 percent First Nations turnout in 1967 to 27.6 percent in 1991.

The results of our study of First Nations voter turnout in Nova Scotia showed a similar pattern, although with noticeably higher turnouts at both the beginning and end of the period investigated. As seen in Table 3, First Nations participation rates declined in federal elections, from 89.3 percent in 1962 to 54 percent in 1988 (Guérin reports a First Nations turnout rate of 41 percent in Nova Scotia in the 2000 federal election). The Nova Scotia provincial elections (Table 4) showed a decline in First Nations turnout from 67.2 percent in 1967 to 45.2 percent in 1993.

Table 7 presents First Nations turnout results from provincial elections in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario and Quebec. The data from Prince Edward Island and Newfoundland were either too small to be significant or impossible to collect. Looking at the period from 1967 to 1991, we see a decline in First

Table 1
Rate of First Nations Voter Turnout in Federal Elections in New Brunswick 1962–1988

Year	% participation rate	Number of electors about whom information was available
1962	70.0	271
1963	63.1	577
1965	66.8	542
1968	53.2	594
1972	60.4	748
1974	56.7	803
1979	38.0	960
1980	40.3	992
1984	44.0	985
1988	17.8	1,312

Table 2
Rate of First Nations Voter Turnout in New Brunswick Provincial Elections 1967–1991

Year	% participation rate	Number of electors about whom information was available
1967	64.4	908
1970	62.0	988
1974	61.2	1,511
1978	37.7	1,502
1982	46.9	1,749
1987	32.1	2,060
1991	27.6	2,340

Table 3
Rate of First Nations Voter Turnout in Federal Elections in Nova Scotia 1962–1988

Year	% participation rate	Number of electors about whom information was available
1962	89.3	689
1963	87.4	728
1965	82.8	795
1968	72.5	790
1972	72.6	1,155
1974	61.3	1,218
1979	49.5	1,508
1980	51.9	1,478
1984	53.4	1,552
1988	54.0	2,244

Table 4
Rate of First Nations Voter Turnout in Nova Scotia
Provincial Elections 1963–1993

Year	% participation rate	Number of electors about whom information was available
1963	52.0	661
1967	67.2	987
1970	70.1	1,188
1974	65.4	1,401
1978	57.9	1,758
1981	60.1	2,150
1984	59.8	2,304
1988	54.8	2,840
1993	45.2	3,127

Table 5
Rate of Voter Turnout in New Brunswick Band Elections
1972–1992

Year	% participation rate	Number of electors about whom information was available
1972–74	82.0	695
1975–77	94.2	720
1978	96.9	353
1979	81.1	599
1980	87.8	654
1981	91.0	1,042
1982	88.7	690
1983	86.7	835
1984	93.5	505
1985	87.1	1,307
1986	92.2	606
1987	91.4	1,471
1988	88.8	1,036
1989	87.5	1,269
1990	91.2	1,274
1991	88.2	1,391
1992	94.9	760

Nations turnout in all provinces except Quebec, which had consistently low turnout throughout the period. Additionally, by the 1990s all provinces showed turnout percentages for reserve communities that were significantly lower than for the rest of the population. Ontario, Quebec and

Alberta all had percentages of voter turnout on reserves of less than 30.

Finally, Tables 5 and 6 present what are perhaps the most surprising data. Band elections in New Brunswick and Nova Scotia show consistently very high turnouts. New Brunswick's band

elections varied from 86.7 percent in 1983 to 96.9 percent in 1978. Nova Scotia showed a similar pattern with an overall average in the two provinces of about 90 percent.

Analysis and conclusions

The data for on-reserve voting require explanation, and the commonly used concepts and explanatory models are not fully adequate to the task. The data are sufficiently anomalous to raise questions about the explanations for voter turnout used to account for voting in the United States, Canada and Western Europe. In the absence of more complete information on the political behaviour and attitudes of Aboriginal persons regarding voting, the political process, the various social-psychological determinants such as sense of efficacy and civic duty, and of correlations of changes in income and education to voting, no clear picture can emerge and no definite conclusions can be drawn. More study is required, and this should be a priority for researchers in voting behaviour and political participation.

However, agnosticism is an intellectual virtue that can inhibit as well as enhance research; hence, this article will offer a pair of explanations to account for the low and declining turnout in “Canadian” elections and the very high turnout in band elections. As is well known, Status Indians have had to follow a twisted road to the ballot box. Male Indians were enfranchised in 1885 under John A. Macdonald's Conservative government. Laurier's Liberals repealed the *Electoral Franchise Act* in 1898, removing the right to vote for Status Indians. The stated reason was that, as wards of the state, they could not act independently and freely. Unofficially,

as Malcolm Montgomery argued, they had “committed the crime of not voting the right way.”⁷ They could not vote again in Canadian federal elections until 1960 and only by the 1960s in most provincial elections. Prior to 1960, Status Indians could only vote if they gave up their status through the “enfranchisement” process defined in the *Indian Act*.

The interpretation of the low and declining participation in the electoral process by on-reserve Status Indians that overwhelmingly presents itself is, in the vocabulary of voting literature, the declining sense of “civic duty” among Aboriginal persons. Using more politically meaningful language, the past 40 years have seen a significant decline in the self-identification of Aboriginal persons as Canadians. Clearly, much more research needs to be done to confirm this conjecture. However, based on the published works of Aboriginal scholars and activists, the policy and political positions taken by Aboriginal leaders and organizations, and extensive

Table 6
Rate of Voter Turnout in Nova Scotia Band Elections 1978–1992

Year	% participation rate	Number of electors about whom information was available
1978	90.2	254
1979	–	–
1980	91.3	507
1981	73.8	183
1982	88.9	1,427
1983	93.8	128
1984	90.1	1,547
1985	94.5	145
1986	94.4	815
1987	55.6	689
1988	91.0	2,712
1989	90.6	328
1990	83.5	3,363
1991	90.0	489
1992	92.0	3,215

personal contacts and discussions, it is reasonable to conclude that the voting statistics presented here articulate an important political, cultural and attitudinal change within Aboriginal communities.

If this hypothesis is correct, then the voter turnout data indicate that there is a crisis of legitimacy facing the Canadian state. A significant proportion of a group that makes up 4 percent of the total population of Canada has serious and deep-seated questions about the legitimate authority of the Canadian state and its control over their lives.

Perhaps more surprising than the data on federal and provincial elections is the very high turnout for band elections.

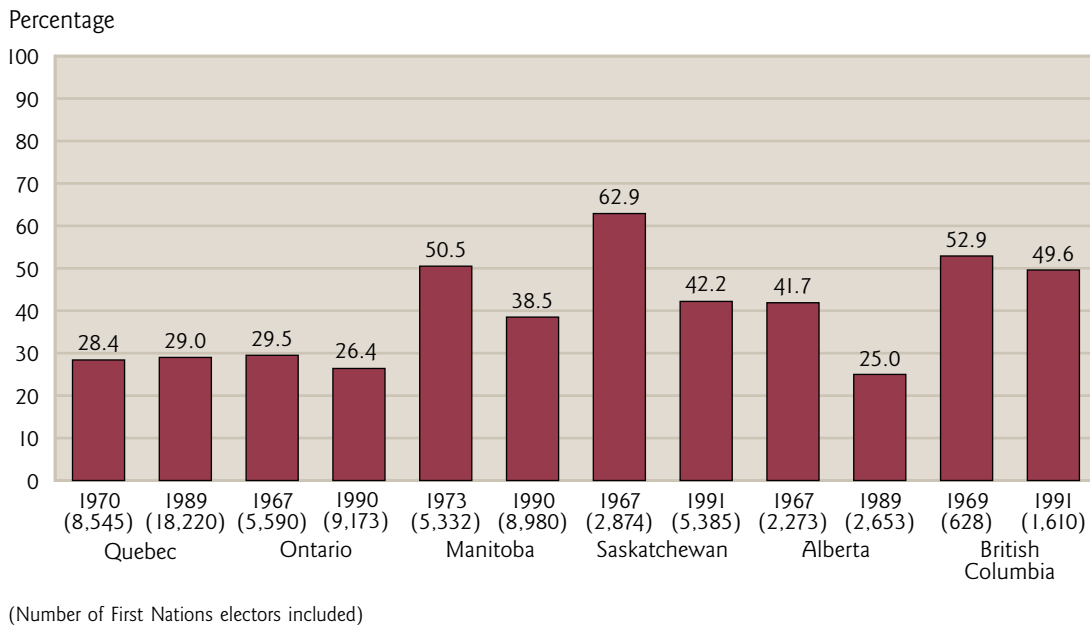
Conventional voting analysis sees local elections as less important and as having turnout rates of half to one third those of national elections. Yet, here we see the opposite. Again, what will be proposed here is still speculative, but is based on extensive observation of band-level politics and numerous personal contracts and conversations. The extraordinarily high turnout in band elections during the period examined results from a pathology in the politics and governance of reserve communities. Under the regulations of the *Indian Act* and the federal government’s 20-year policy of devolving self-government authority to reserves, band councils have come to wield unprecedented control over the lives of reserve community members. Furthermore, not only are the areas of jurisdiction extensive, but control over these areas is concentrated in a few hands. Unlike the experience of non-Aboriginal Canadians, for those persons living on reserves the same small number of people, wielding a single



Photo: National Archives of Canada, PA-190699

Prime Minister John Diefenbaker achieved a long-held personal goal when Parliament extended the franchise to all Status Indians in 1960. They were no longer required to give up their Indian status in order to vote.

Table 7
First Nations Turnout in Provincial Elections



Let me be clear, the problem is not corruption. While measures such as the proposed changes to community governance are welcome, they do not address the real issue. Similarly, the ongoing policy of the incremental devolution of self-government authority only exacerbates the current situation. Where such additional authority is acquired, even more will hang on the results of band elections.

political authority, controls access to housing and welfare, education and education grants, policing, municipal services, employment, community economic development, and health and social services. This is in addition to being the avenue for contact between the community and government and other Aboriginal organizations.

This degree of concentration of political and economic power can distort the normal functioning of democratic politics. Legitimate

democratic politics requires that those who have lost an election or a decision still accept the outcome. This means that democracy works best when the stakes are low. The poverty of many reserves, and the lack of access to resources outside the political system of the reserve, result in people who are dependent on the resources that pass to the community through the chief and band council. The stakes are, thus, enormously high; so, too, are the incentives to vote in band elections.

More study of voting patterns will help illuminate a number of issues at the centre of the political life of reserve communities. Key information can be gained from further investigation into the (non) voting patterns of Aboriginal persons and into their causes. Those expert in the study of voting must turn their attention to Aboriginal voting. Generic studies of voting across Canada do not apply to these uniquely situated communities with political issues and ideas that are often very different from those of other Canadians. ✖

NOTES

1. Arend Lijphart, "Unequal Participation: Democracy's Unresolved Dilemma", *The American Political Science Review* Vol. 91, No. 1 (March 1997), pp. 1-14.
2. Lijphart, "Unequal Participation," p. 1.
3. Lijphart, "Unequal Participation," p. 2.
4. See, for example: Elisabeth Gidengil, "Canada Votes: A Quarter Century of Canadian National Voting Studies," *Canadian Journal of Political Science* Vol. XXV, Issue 2 (June 1992), pp. 219-248;
5. Research for this paper was conducted with Sidney Pobihushchy and was originally published as "On-Reserve Status Indian Voter Participation in the Maritimes," co-authored with Sidney Pobihushchy, *The Canadian Journal of Native Studies* Vol. 15, Issue 2 (1996), pp. 255-278.
6. The data on voting in federal and provincial elections were collected from and Kurt Lang and Gladys Lang, *Voting and Non-Voting* (Waltham, Massachusetts: Blaisdell Publishing Co., 1968).
7. Malcolm Montgomery, "The Six Nations and the MacDonald Franchise," *Ontario History* Vol. LVII, Issue 1 (1965), p. 25.



The Alienation of Nation

Understanding Aboriginal Electoral Participation

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The topic of Aboriginal electoral participation is extremely complex and multi-faceted, for there are innumerable factors that influence electoral participation rates among both individuals and collectivities. This complexity is heightened by the lack of reliable data on Aboriginal participation rates in federal and provincial elections and the lack of longitudinal studies in this area. The shortage of information can be attributed in part to the virtual absence of electoral districts where Aboriginal people represent the majority of voters. Moreover, the data collected from the 296 polling stations that are located on reserves (see below) could be construed as unreliable due to the relatively small number of such polling stations and the refusal of some First Nations (such as Akwesasne) to allow polling stations on their reserves.

While rates of participation cannot be determined with absolute accuracy, it is certain that the rate of electoral participation among Aboriginal peoples is, on average, considerably lower than among the general Canadian public. For instance, while according to the Chief of Akwesasne “only one Akwesasne [Mohawk] person has ever voted in a Canadian election,”¹ in Hobemma (Plains Cree), the typical rate of participation prior to 1991 was 12.5 percent.² According to research carried out at Elections Canada, rates of participation in the 2000 federal election ranged from 35.3 percent in Quebec to 66.9 percent in Prince Edward Island.³

Acknowledging that turnout varies considerably among reserves, nations and urban areas, and that participation

is situational (it varies significantly, depending on the election and level of government), several questions must be asked. Why do so many Aboriginal people not vote? What, if anything, can be done to increase the participation of Aboriginal people in Canadian electoral politics?

This article begins to address these questions by focusing on the two primary reasons – alienation and nation – why Aboriginal people do not vote. It also suggests possible measures that could alleviate these causes of electoral dispossession. Specifically, I argue that electoral dispossession is the result of both the alienation of Aboriginal people from the Canadian political system and the discourses of nationalism and rights that permeate Aboriginal communities. The existence of these two factors highlights the need to address the recognition and participation of Aboriginal nations. While more research is necessary, my initial reflections are grounded in the Indigenous world and are based on my continued interaction with and research on the “traditional” and more radical elements of numerous Aboriginal communities.

Alienation and electoral participation

Typically, lack of participation in electoral politics by a community of interest or minority is attributed to a lack of faith in the political system, a sense of alienation from the electoral system and political processes, feelings of exclusion, the existence of structural barriers within electoral politics that hinder participation, a perceived lack of effectiveness,



Before the 1993 extension of the special ballot to anyone unable to vote at a polling station, making voting accessible to Aboriginal and other electors throughout Canada's vast and sparsely populated northern regions often required extensive travel by election officials.

turnout among Aboriginal peoples by increasing their participation in political parties, and specifically by creating greater opportunities for both the nomination of Aboriginal candidates and increased Aboriginal involvement in party policy and decision making?

It appears that it would be possible to increase the rate of electoral participation by increasing Aboriginal involvement in Canadian politics (generally). But increasing and sustaining the involvement of Aboriginal people and issues in party politics may not be a very effective strategy. Given that political parties are seeking to maximize public appeal and voter support, there is likely very little opportunity for

the non-affirmation of group difference by and within electoral politics, and the virtual lack of a group's presence or representation in electoral politics (and in politics generally).⁴ At first glance, it seems as though the literature of democratic theory may be correct in its depiction of factors that contribute to low rates of electoral participation among specific communities of interest. Voter apathy, alienation, feelings of exclusion and perceptions of a lack of effectiveness are dramatically and positively affected by the inclusion of a group in the electoral process (as candidates and in platforms).

A group's electoral participation generally increases with increased participation in political parties and the inclusion of its interests in party platforms and/or the predominant campaign issues.⁵ Accordingly, would it not be possible to increase voter

Aboriginal people to capture nominations and/or the attention of political parties in areas where they do not constitute a significant percentage of voters. This poses a serious problem, since the Aboriginal population is relatively small, as well as being fragmented and scattered throughout Canada. At the federal level, the absence of a significant concentrated population cannot readily be overcome; there are few areas where electoral districts exist or could be established in which Aboriginal people would constitute a significant enough percentage of the electorate to wield actual influence in electoral politics.

Even in situations where Aboriginal people constitute a significant

percentage of electors, it may be very difficult to increase their presence in electoral politics as candidates and, most importantly, as voters. As Stasiulis and Abu-Laban point out in their discussion of the representation and participation of ethnic and racial minorities in electoral politics, structural and organizational barriers impede participation in mainstream party politics, thus ensuring the continued alienation of voters from such groups.⁶ I would argue that this has also been the case for Aboriginal people. In the past and in a variety of elections (at all levels of government), for reasons including maximizing electoral support, many parties have chosen to rely on the alienation of Aboriginal voters. However, while some candidates and political parties have ignored the Aboriginal community and banked on their continued alienation and low levels of participation to win elections, others have attempted to secure victory by creating alienation and splitting the Aboriginal vote. For instance, during the 1995 provincial election, members of the Manitoba Progressive Conservative party helped to create and financially support the Independent Native Voice party in several constituencies, thus disrupting the NDP campaign.⁷

Voter apathy, alienation, feelings of exclusion and perceptions of a lack of effectiveness are dramatically and positively affected by the inclusion of a group in the electoral process ...

In light of the lack of a critical mass, a radical transformation is required. Despite the fact that Aboriginal people have been able to vote federally since 1960, and that Aboriginal



Many Aboriginal people meet together at powwows. The singing and dancing, and sharing of art and food are a celebration of their cultures and rich heritage. The regalia worn by the dancers evolve over time to reflect a vibrant and changing way of life.

cultures and communities are extremely political, Aboriginal people fail to see themselves in the political process or to feel included and respected as both individuals and collectivities. By and large, Aboriginal people continue to see the Canadian political system as an instrument of their domination and oppression. They see themselves as distinct from other Canadians and as belonging to “nations within”; and as nations that are not represented “within”. It is interesting to note that this sentiment remains constant even when there is an Aboriginal candidate and widespread community participation in an election. The collectivity may feel unrepresented, and candidates may feel that they are unable to represent their community due to the constraints of party politics and the existing political system. As a former Aboriginal MP once confided, neither (s)he nor her/his people were represented in Parliament; a sentiment that may have contributed to the community’s backlash and the widespread belief that (s)he had sold out and had failed to act as a member

of their Aboriginal nation (having become a “Canadian”).

As historian Iris Marion Young and other progressive theorists of democracy have argued, ignoring group differences has oppressive consequences. If one is to encourage participation without further oppressing and dominating a group, one must engage in democratic pluralism or the politics of difference that “acknowledges and affirms the public and political significance of social group difference as a means of insuring the participation and inclusion of everyone in social and political institutions ... [without forcing individuals and groups] to assimilate to dominant norms and the abandonment of group affiliation and culture.”⁸

While most of the existing literature on Aboriginal electoral participation does not engage this issue from the vantage of radical democratic pluralism, much of it agrees with Young’s assertion that the political system needs to recognize and affirm difference (using differentiated group representation) in order to encourage Aboriginal voting.⁹ In fact, Aboriginal electoral districts were recommended by the Royal Commission on Electoral Reform and Party Financing and its Committee for Aboriginal Electoral Reform as a means of remedying the structural inequalities that impede Aboriginal participation (as candidates and as voters) in the traditional electoral system.¹⁰

There is no doubt that particularistic representation (representation using either affirmative redistricting or guaranteed seats) would affect Aboriginal

electoral participation (as candidates and voters), as it would begin to address the issues of inclusion (individual and collective), representation, alienation and effectiveness. Still, one has to ask how Aboriginal voters would react to such a system. Would the creation of a system of particularistic representation fully address the roots of electoral alienation? Would the suggested increase in voter participation be measurable and sustainable? Would guaranteed representation have any effect on existing national (read: Indigenous Nation), regional and reserve/urban variations in rates of Aboriginal electoral participation?

By and large, Aboriginal people continue to see the Canadian political system as an instrument of their domination and oppression.

The nation and electoral participation

To my mind, obtaining measurable and sustainable Aboriginal participation in every community is not a sure bet. The reason is simple: particularistic representation would not address all of the issues resulting in the alienation of Aboriginal individuals and nations from the Canadian political system. Aboriginal people are not simply a community of interest or a minority group that feels alienated from the political process. They form “nations within”: nations with distinct political cultures, political systems, political traditions, histories of colonization, relationships with other nations (such as Canada), and visions as to how the relationship between their nations and Canada should be structured and the manner in which each nation should participate in the affairs of the other.

As each Aboriginal collectivity has its own political traditions and its own vision of a just relationship with Canada, electoral participation varies substantially, as does the manner in which individuals and collectivities rationalize their participation (or lack thereof) in Canadian politics. To further complicate matters, participation rates (and the rationalization thereof) vary, especially when comparing nationalists and traditionally minded individuals who are grounded in their communities with individuals who have few ties to their nation and its history, political traditions and sense of nationalism.

I would argue that a majority of Aboriginal people with strong ties to their communities and their history, traditions and language have explicitly decided not to participate in Canadian elections. Further, as Indigenous nationalisms gather strength and Indigenous peoples increasingly decide to cast off the shackles of dependency and to rebuild their independence, levels of participation will decrease rather than increase. This lack of participation, though often attributed to alienation from political processes and the issues associated with colonization, should be thought of as resulting from

Indigenous nationalisms, treaties and the explicit decisions of both individuals and communities. For instance, a leading Anishnaabe scholar recently explained this widespread rationalization of non-participation as follows: “I don’t vote in elections in France. I don’t vote in elections in Ethiopia. Why would I vote in Canada? They are all foreign nations.”¹¹ In short, at issue is a matter of contested citizenship wherein many Aboriginal peoples (individuals and nations) dispute their citizenship on the grounds that they are citizens of Indigenous nations.

What is interesting is that this issue of contested citizenship remains fairly widespread, even in communities where members have engaged in electoral politics (as candidates and/or voters). This was evident in a conversation that I had with a Maliseet scholar following the election of T. J. Burke (the first Aboriginal person to be elected to a legislative assembly in the Atlantic provinces) to the New Brunswick legislature in 2003.

Even though the community had “one of its own” running in the election and generally supported the individual, there was a backlash against both the candidate and those who voted for him on the basis that they had failed to live as members of their nation. To that end, instead of celebrating the electoral success, much of the community mourned

the continued colonization of the Maliseet nation.

I would argue that a majority of Aboriginal people with strong ties to their communities and their history, traditions and language have explicitly decided not to participate in Canadian elections.

It is interesting to note that while members of the Maliseet nation mourned electoral participation because of contested citizenship, members of other nations have advocated increased electoral participation based on their contested citizenship. For instance, during the last federal election several nations (including the Plains Cree) promoted strategic participation (block voting) as an acceptable means of affirming and defending their nationhood and their Aboriginal and treaty rights from the Alliance party. In fact, in many communities, electoral participation was promoted as being compatible with, and even beneficial for, nationhood. It was presented as compatible, at least insofar as that *specific election* was concerned, with voting as nations, for as nations they were struggling to defend themselves from the political agendas of certain parties.

Indigenous nationalisms are growing stronger and citizenship is increasingly being contested. Consequently, even if a system of guaranteed representation were created, it would be extremely difficult to affect positively the rates of electoral participation among Aboriginal people. This is particularly true in situations where an Aboriginal nation’s contested citizenship is predicated on a treaty. For the most part, treaties (both peace and friendship and so-called land cession/sharing treaties)



have institutionalized a nation-to-nation relationship that affirmed the continued sovereignty of each nation (colonial and Indigenous) and guaranteed a relationship of non-interference whereby neither nation would interfere with the affairs of the other, except in certain, mutually agreed areas of co-sovereignty or co-operation.¹² Thus, for many treaty peoples, voting in Canadian elections entails both participating in an alien system and engaging in an act (interfering with the business of another nation) their nation promised it would never do.

Given this reality, it appears as though increasing Aboriginal participation in Canadian elections is not only an enormous obstacle, but an insurmountable one at that. But is increasing participation among Aboriginal peoples (particularly those engaged in nation (re)building) an impossible task? Not necessarily. However, a simple

A system of guaranteed representation could liberate Aboriginal people from the forces of assimilation, as individuals would not be forced to participate in the alien system as “Canadians”.

solution does not exist. Participation and representation would have to be predicated on recognition of, and respect for, nationhood and the nation-to-nation relationships articulated in the treaties. This could readily be facilitated using a system of particularistic or guaranteed representation that provided for some semblance of national or treaty representation. Such a system of guaranteed representation is not unheard of: the state of Maine has



The Web site of the National Conference of State Legislatures at www.ncsl.org/programs/esnr/WIsummary.htm provides more information about the history of tribal delegates in the state of Maine.

allowed for the participation of tribal delegates (not representatives or participants in state politics), from the Penobscot and Passamaquoddy nations, in their state legislature since 1820.¹³ Moreover, the idea of national, tribal and/or treaty representation has been discussed several times in Canada among Aboriginal people, academics, parliamentarians and Royal Commissions.¹⁴ In fact, the Royal

Commission on Aboriginal Peoples even went so far as to recommend the creation of an Aboriginal Parliament.¹⁵

Is it possible that a system of particularistic representation based on the representation of nations and/or treaties would facilitate a sustained increase in electoral participation among Aboriginal people? Is it really necessary to base representation on nationhood? Is it necessary to transform Canada or to incorporate the nations within? While it is impossible to tackle these questions here, I would argue, with absolute certainty, that national and/or treaty representation would increase Aboriginal participation in electoral

politics. Providing for such representation would enable Aboriginal people to participate in Canadian electoral politics as nations and to vote as, and for, citizens of their nations.¹⁶ A system of guaranteed representation could liberate Aboriginal people from the forces of assimilation, as individuals would not be forced to participate in the alien system as “Canadians”. Instead, they could participate in electoral politics as members of their nations and in a manner that could be designed to incorporate Aboriginal peoples as “nations within”. I would argue that enabling nation-based participation in electoral politics would address the two primary causes of electoral dispossession among Aboriginal people. It would do so by guaranteeing the inclusion of Aboriginal peoples as candidates and actors in electoral politics. Moreover, it would enable Aboriginal people to participate (as voters, as candidates and in debate on issues) as members of nations – nations that could be incorporated through a system of delegates who represent their nations in Canadian politics but who do not engage in or interfere with the operations of the Canadian system (consistent with treaty rights and obligations).

To conclude, as has been articulated by countless generations of Aboriginal peoples and the Royal Commission on Aboriginal Peoples, politicians, bureaucrats and scholars, the relationship between Aboriginal peoples and Canada is in desperate need of renewal. A new relationship based on an affirmation of nationhood needs to be forged and creatively facilitated. This could be done through the creation of a system of guaranteed representation based on nations and/or treaties. Such a system would provide

an opportunity to incorporate Aboriginal peoples as “nations within” by increasing their participation as nations and individuals through inclusion as voters and candidates, and by integrating their issues into electoral politics. This would necessarily improve participation, because it would begin to address the implementation of the treaty relationship and address the roots of Aboriginal alienation (nationhood), as well as providing an opportunity for

Aboriginal people to participate in Canadian politics as nations without interfering in Canadian elections or in matters of no concern to the Aboriginal nation. It would also provide a means for Aboriginal nations to address issues of mutual concern with Canadians. As has been demonstrated in Maine, where national delegates represent their nations in discussions in areas of tribal or mutual concern but do not vote (as they are not part of the state government),

the transformation of the political system need not be extreme to achieve transformative results. It simply needs to be inclusive and to include the “nations within” as nations. ✕

NOTES

1. Michael Mitchell, “Akwasasne: An Unbroken Assertion of Sovereignty” in Bruce Richardson, ed., *Drum Beat: Anger and Renewal in Indian Country* (Toronto: Summerhill Press, 1989), p. 111.
2. Roger Gibbins, “Electoral Reform and Canada’s Aboriginal Population: An Assessment of Aboriginal Electoral Districts” in Robert A. Milen, ed., *Aboriginal Peoples and Electoral Reform in Canada*, Vol. 9 of the *Report of the Royal Commission on Electoral Reform and Party Financing* (Ottawa: Supply and Services Canada, 1991), p. 159. It is interesting to note that the rate of participation in Hobemma peaked at 55 percent in 1988 when Wilton Littlechild, a lawyer from the community, was elected.
3. Daniel Guérin, “Aboriginal Participation in Federal Elections: Trends and Implications,” in this issue of *Electoral Insight*. Data is based on turnout rates at the 296 polling stations located on First Nations reserves.
4. See Jon H. Pammett and Lawrence LeDuc, *Explaining the Turnout Decline in Canadian Federal Elections: A New Survey of Non-voters* (Ottawa: Elections Canada, March 2003).
5. The inclusion of Aboriginal people and issues in party politics need not be positive to have an impact on voter participation. For example, in the last election the position of the Alliance party on Aboriginal issues caused many communities to promote voting against Alliance candidates.
6. Daiva Stasiulus and Yasmeen Abu-Laban, “Unequal Relations and the Struggle for Equality: Race and Ethnicity in Canadian Politics” in Michael Wittington and Glen Williams, eds., *Canadian Politics in the 21st Century* (Scarborough: Nelson, 2000), pp. 327–353.
7. Doug Smith, *As Many Liars* (Winnipeg: Arbeiter Ring, 2003).
8. Iris Marion Young, *Justice and the Politics of Difference* (Princeton: University of Princeton Press, 1990), p. 168.
9. For example, see: Augie Fleras, “Aboriginal Electoral Districts for Canada: Lessons from New Zealand” in Milen, ed., *Aboriginal Peoples and Electoral Reform in Canada*, pp. 3–65. It should be noted that several scholars, while recognizing that particularistic representation may enhance Aboriginal participation, oppose the creation of differentiated representation. For example, see: David Small, “Enhancing Aboriginal Representation Within the Existing System of Redistricting” in David Small, ed., Vol. 11 of the Research Studies, Royal Commission on Electoral Reform and Party Financing, *Drawing the Map: Equality and Efficacy of the Vote in Canadian Electoral Boundary Reform* (Toronto: Dundurn Press, 1991), pp. 307–348.
10. Committee for Aboriginal Electoral Reform, “The Path to Electoral Equality” in *Report of the Royal Commission on Electoral Reform and Party Financing*, Vol. 4, pp. 228–296. Also “Equality and Efficacy of the Vote” in *Reforming Electoral Democracy*, Vol. 1 of the *Report of the Royal Commission on Electoral Reform and Party Financing*, pp. 186–189.
11. Leanne Simpson, personal correspondence, August 22, 2003.
12. James Youngblood Henderson, “Empowering Treaty Federalism” in *Saskatchewan Law Review* Vol. 58 (1994), pp. 241–332.
13. For a brief discussion of the history of tribal delegates in Maine, and discussions in Wisconsin and South Dakota pertaining to the adoption of a similar system, see: www.ncsl.org/programs/esnr/WIsummary.htm.
14. Kiera L. Ladner, “Treaty Seven and Guaranteed Representation: How Treaty Rights Can Evolve into Parliamentary Seats” in *Great Plains Quarterly* Vol. 17, Issue 2 (1997), pp. 85–102.
15. *Report of the Royal Commission on Aboriginal Peoples*, Vol. 2 (Ottawa: Canada Communication Group, 1996).
16. Bedford and Pobihushchy, in an examination of Aboriginal participation in federal, provincial and band elections, note that voter turnout among Aboriginal people tends to be considerably higher at the local or band level. David Bedford and Sidney Pobihushchy, “On-Reserve Status Indian Voter Participation in the Maritimes,” *Canadian Journal of Native Studies* Vol. 15, Issue 2 (1995), pp. 255–278.



Exploring the Issues of Aboriginal Representation in Federal Elections

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Aboriginal people can make a strong claim that the federal electoral system perpetuates their exclusion. The level of Aboriginal voter participation in federal electoral politics remains low,¹ and their ability to successfully translate political participation into the nomination and election of Aboriginal people to the House of Commons is even lower.² This lack of representation of Aboriginal people in formal political processes signifies such a high degree of political alienation that it threatens the legitimacy of the Canadian democratic electoral system. It also sustains a very tenuous relationship between Aboriginal and non-Aboriginal Canadians.

In the absence of formal mechanisms to facilitate the necessary exchange of ideas, Aboriginal people have been conditioned to use “very blunt instruments to make their point, such as highly charged political demonstrations, blockades, and litigation.”³ In the words of Alan Cairns, there is a brutal reality that if present trends of Aboriginal unemployment, social exclusion and anomic conditions continue unchecked, the results for both Aboriginal and non-Aboriginal peoples will be catastrophic.⁴ This article explores the issue of effective representation of Aboriginal people in federal electoral politics, and culminates in calling for an increase in the numerical representation of Aboriginal people in addition to advancing their substantive representation through inclusion of their distinct world views in political institutions.

The theory of representative democracy

In Canada, the representational inputs and outputs of elections have commonly been regarded as key determinants of democratic governance. The quality of Canada’s representative democracy is measured against a number of indicators: (1) the authority and accountability of the electoral system to represent the views, needs and aspirations of voters; (2) the institutional ability to produce a legislature that closely mirrors, in its social characteristics such as gender, ethnicity and social class, the composition of the population represented; and (3) the responsiveness of government actors in translating voters’ preferences into appropriate responses from government.⁵ Together and separately, these indicators reflect the normative principle that the activity and composition of the legislature play a significant role in determining how well a government can represent the distinct political interests of its constituents. Ideally, each citizen is entitled to have a voice in the deliberations of government, as well as the right to bring grievances and concerns to the attention of his or her government representative.⁶

The ability and willingness of Parliament to ensure the political representation of particular groups is an integral component of a democratic government. Political representation structures government activity; those with access to the decision-making structures of Parliament act as gatekeepers, deciding which interests will be addressed in the public sphere and how they will be

prioritized, packaged and presented. Consider the representative function of parliamentary debates. Securing political representation is not only important in terms of potential numerical outcome, but also in terms of the character of the debate leading to the outcome.⁷ As Roger Gibbins notes, when the House debates issues such as abortion or Aboriginal rights, the outcome of the debate would arguably be different if the membership of the House included greater representation from potentially affected groups.⁸

There is a direct connection between the legitimacy of the Canadian democratic electoral process and its ability to foster political representation that reflects the social diversity of its constituents. In *Sauvé v. Canada (Chief Electoral Officer)*,⁹ the Supreme Court of Canada identifies the vital symbolic, theoretical and practical connection between having a voice in making the law and being obliged to obey it: “This connection, inherited from social contract theory and enshrined in the Charter, stands at the heart of our system of constitutional democracy.”¹⁰ Political institutions that reflect the diversity of their constituents instill a greater sense of inclusion and belonging, which in turn increases their perceived political legitimacy. In a democratic society, citizens cannot be expected to abide by laws indefinitely if they have consistently been excluded from democratic access due to structural and cultural restrictions. This is particularly important if marginalized groups have historically been excluded from electoral participation through the operation of the law.¹¹ The under-representation of Aboriginal people in federal electoral politics offers a compelling example of this democratic dilemma.

Aboriginal representation in federal electoral politics

Improving Aboriginal political representation has been widely endorsed as an important objective within the larger framework of securing social justice for Aboriginal people.¹² Increased representation in federal electoral politics will give Aboriginal people greater access to the decision-making processes that affect them, which will, in turn, enable Aboriginal people to direct those processes to meet their specific needs and aspirations. John Borrows explains:

“To preserve and extend our participation with the land, and our association with those who now live on it, it is time to talk of Aboriginal control of Canadian affairs. Various sites of power in Canada must be permeated with Aboriginal people, institutions, and ideologies ... Aboriginal people must work individually and as groups beyond their communities to enlarge and increase their influence over matters that are important to them.”¹³

Increasing Aboriginal representation offers the opportunity to include the Aboriginal community of interest in the political sphere. This would foster the direct participation and representation of Aboriginal people, which would tend to promote and protect their collective interests.

Furthermore, increasing Aboriginal representation draws on the potential to further the agenda of Aboriginal self-government and self-determination in a manner that sidesteps the perils of high constitutional drama.¹⁴ Aboriginal self-government and self-determination will not work in isolation in Aboriginal communities.

Support drawn from within federal institutions is a necessary and complementary component of advancing the agenda of self-government and self-determination.¹⁵

Increasing Aboriginal representation also offers the potential to imbue existing governmental structures with Indigenous traditions, philosophies and ideologies, to the advantage of Aboriginal and non-Aboriginal people. To engage sufficient Aboriginal participation in the federal electoral system that claims of effective Aboriginal political representation can be justified, it is imperative to integrate Aboriginal world views into the social, political and institutional fabric of Canadian electoral practices. These world views are inspired and protected by Indigenous knowledge and values, and the shared belief that each Indigenous regime is characteristic of the creative adaptation of a people to an ecological order,¹⁶ along with the accompanying belief that the natural world is alive and spiritually replete.¹⁷ The distinct Aboriginal world views can also be understood through a more functional and less esoteric approach. Consider Benjamin Barber’s explanation that there are basically two democratic worlds in America: a remote world defined by complex national institutions and bureaucratic policies, and the other, more intimate, world defined by neighbourhood and block associations, PTAs and community action groups.¹⁸ Aboriginal people function within these two worlds of democracy, but their participation is filtered through an inherently different perception of political processes and institutions. Of particular importance to the functional approach are the world views derived from the individual and collective experiences of colonial oppression and domination.



Aboriginal Candidates Elected in Canadian General Elections, 1867–2000

Year	Name of candidate	Electoral district	Province/territory	Political affiliation	Origin	Plurality
2000	Lawrence D. O'Brien	Labrador	Nfld.	Liberal	Métis	5,869
	Rick Laliberte	Churchill River	Sask.	Liberal	Métis	2,177
	Nancy Karetak-Lindell	Nunavut	Nunavut	Liberal	Inuit	3,917
	Ethel Dorothy Blondin-Andrew	Western Arctic	N.W.T.	Liberal	N.A.I. ¹	2,425
1997	Lawrence D. O'Brien ²	Labrador	Nfld.	Liberal	Métis	1,567
	Rick Laliberte	Churchill River	Sask.	N.D.P.	Métis	538
	Nancy Karetak-Lindell	Nunavut	N.W.T.	Liberal	Inuit	1,565
	Ethel Dorothy Blondin-Andrew	Western Arctic	N.W.T.	Liberal	N.A.I.	2,985
1993	Elijah Harper	Churchill	Man.	Liberal	N.A.I.	907
	Jack Iyerak Anawak	Nunatsiaq	N.W.T.	Liberal	Inuit	4,715
	Ethel Dorothy Blondin-Andrew	Western Arctic	N.W.T.	Liberal	N.A.I.	6,867
1988	Wilton Littlechild	Wetaskiwin	Alta.	Progressive Conservative	N.A.I.	12,672
	Jack Iyerak Anawak	Nunatsiaq	N.W.T.	Liberal	Inuit	570
	Ethel Dorothy Blondin-Andrew	Western Arctic	N.W.T.	Liberal	N.A.I.	1,758
1984	Cyril Keeper	Winnipeg North Centre	Man.	N.D.P.	Métis	4,089
	Gerry St. Germain ³	Mission-Port Moody	B.C.	Progressive Conservative	Métis	4,753
	Thomas Suluk	Nunatsiaq	N.W.T.	Progressive Conservative	Inuit	247
1980	Cyril Keeper	Winnipeg-St. James	Man.	N.D.P.	Métis	438
	Peter Ittinuar	Nunatsiaq	N.W.T.	N.D.P.	Inuit	311
1979	Peter Ittinuar	Nunatsiaq	N.W.T.	N.D.P.	Inuit	76
1974	Leonard Stephen Marchand	Kamloops-Cariboo	B.C.	Liberal	N.A.I.	3,146
	Walter Firth	Northwest Territories	N.W.T.	N.D.P.	Métis	1,139
1972	Leonard Stephen Marchand	Kamloops-Cariboo	B.C.	Liberal	N.A.I.	714
	Walter Firth	Northwest Territories	N.W.T.	N.D.P.	Métis	1,258
1968	Leonard Stephen Marchand	Kamloops-Cariboo	B.C.	Liberal	N.A.I.	3,296
1963	Eugène Rhéaume	Northwest Territories	N.W.T.	Progressive Conservative	Métis	1,155
1949	William Albert Boucher ⁴	Rosthern	Sask.	Liberal	Métis	3,698
1930	Errick French Willis	Souris	Man.	Progressive Conservative	N.A.I.	472
1874	Louis Riel ⁵	Provencher	Man.	Independent	Métis	126

Sources: • *History of the Federal Electoral Ridings since 1867*, Library of Parliament
 • Parliamentary Internet Web site at www.parl.gc.ca

¹ North American Indian.

² Lawrence D. O'Brien was previously elected in a by-election held in 1996 in the same electoral district.

³ Gerry St. Germain was previously elected in a by-election held in 1983 in the same electoral district.

⁴ William Albert Boucher was previously elected in a by-election held in 1948 in the same electoral district.

⁵ Louis Riel was also elected in by-elections in 1873 and 1874 in the same electoral district.

Whether you take the Indigenous knowledge approach or the functional approach, it should be understood that Indigenous people share separate and distinct world views that are embedded within the core of Aboriginal differentiated identity and citizenship. The result of these distinct world views is a profound sense of distance from the mainstream political system. To bridge this distance, positive attempts must be made to increase participation by developing substantive representation of Aboriginal world views in the electoral system. Due to the depth and degree of the barriers to Aboriginal participation, it will simply not be enough to expect Aboriginal peoples to fit themselves into the institutions of the colonial framework.

the constituency.¹⁹ Party discipline and a powerful executive have led to the widespread perception that high-level politics should be left to the elites. As a result, Canadians in general are feeling disengaged from formal political processes, and there is a noticeably strong movement towards less formal channels of political action as more appropriate for effecting meaningful change.

Against this backdrop of widespread voter apathy and low public confidence, there is a strong and steadfast opposition that wholeheartedly rejects any form of Aboriginal electoral participation on the basis of fundamental philosophical considerations. The historic policies of assimilation imposed by the federal

government have generated a deep-rooted distrust for federal initiatives. Aboriginal people did not play a role in designing the Canadian system of government, and

they do not see themselves represented in its institutions. As a result, there is a widespread perception among them that Canadian political institutions lack legitimacy.

The Department of Indian Affairs has a longstanding history of using enfranchisement as a tool of assimilation,²⁰ and many First Nations people fear that the recent calls to participate in Canadian political processes are a modern manifestation of the assimilationist agenda. In addition, many Aboriginal people fear that Aboriginal participation in federal electoral processes will detract from the recognition of inherent Aboriginal and treaty rights, and legitimize the colonial order of unequal power relations.

Finally, a sizable group of Aboriginal people believe that their distinct legal and political rights can only be realized through the defence of traditional values predicated on principles of Indigenous nationhood and sovereignty; accepting anything less would be falling prey to co-optation tactics. Each of these anti-colonial Indigenous perspectives represents a politically significant opposition to Aboriginal electoral participation.

In addition to these concerns, Aboriginal people face structural impediments to political mobilization. Examples of structural challenges include geographical dispersal, and administrative and communication barriers.²¹ Aboriginal people need access to information that incorporates a variety of different functions and formats, so that the material reaches its intended audience in a manner that is not incomprehensibly legalistic, and can be translated into Indigenous languages when necessary.

The barriers to Aboriginal participation in the federal electoral system are deeply ingrained in the political system. Consider the list of four major factors contributing to Aboriginal underrepresentation offered by the Committee for Aboriginal Electoral Reform (1991):

1. The historical use of the federal franchise as a means of assimilation;
2. The failure of the federal electoral system to recognize the Aboriginal community of interest;
3. Impediments to Aboriginal participation in political parties; and
4. The failure of federal electoral administration to meet the needs of Aboriginal electors and to practise employment equity.²²

... many Aboriginal people fear that Aboriginal participation in federal electoral processes will detract from the recognition of inherent Aboriginal and treaty rights ...

Barriers to Aboriginal participation in the federal electoral system

The belief that Aboriginal people will ever collectively and positively engage in the Canadian electoral process requires a huge leap of faith. First, it must be acknowledged that any changes will have to take place in a broad context of widespread voter apathy and decreasing public confidence in the legislative branch. Aboriginal and non-Aboriginal people both have reservations about the institutional and personal incentives for participating in the prescribed democratic process in its current form. The current system does not appear to reward independence of spirit, policy innovation or service to

More than 10 years later, each of these factors remains firmly entrenched, perpetuating the legacy of Aboriginal under-representation in federal electoral politics.

One of the key reasons for this continuing legacy is the lack of political incentive to make the necessary changes. The federal government, focused on fiscal restraint and reforming the administrative processes of *Indian Act* communities,²³ has not given priority to addressing Aboriginal electoral participation in federal political institutions. Because Aboriginal people do not generally have the concentrated populations necessary to collectively affect voting outcomes, there is no direct incentive to place Aboriginal issues on the political agenda. This situation is unlikely to change, given the built-in limitations of a political process driven by brokerage party politics. In a system where maximizing electoral success and forming the government is the primary goal, political parties tend to seek broad consensus by downplaying potentially divisive ideologies and principles.²⁴ As a result, it is unlikely that the current system will accommodate Aboriginal electoral interests.

This situation is neither hopelessly predetermined nor intractable, by any means. Attention has to be paid to incentives coming from other areas, specifically the role that the courts can play in dictating necessary changes. It is clear that demands for political representation are being judicially measured against an increasingly broad understanding of democratic justice that draws upon the *Canadian Charter of Rights and Freedoms*²⁵ and related jurisprudence. According to the

Photo: National Archives of Canada, C16408



Photo: CP (Rod Macchiar)



Photo: CP/Winnipeg Free Press (Wayne Glowacki)

Only a few Aboriginal people have been elected to the Canadian House of Commons. The first was Métis leader **Louis Riel** (left), who was elected three times in the 1870s, but never actually took his seat. He led the North-West Rebellion in 1885, was tried for treason and hanged in Regina later the same year. In 1968, **Leonard Marchand** (centre) was the first Status Indian elected. He later served in the Trudeau Cabinet and was appointed to the Senate in 1984. **Elijah Harper** (right) was elected federally in 1993, following more than 10 years in the Manitoba legislature, where he served as Minister for Native Affairs and Minister of Northern Affairs. Harper is best known for his 1990 role in blocking ratification of the Meech Lake Accord in the Manitoba legislative assembly.

Supreme Court of Canada, “the Charter charges courts with upholding and maintaining an inclusive, participatory democratic framework within which citizens can explore and pursue different conceptions of the good.”²⁶ Accordingly, questions regarding fairness and equity in the electoral process for Aboriginal peoples could be pursued under the Charter.

The 1991 Supreme Court of Canada ruling *Reference re Prov. Electoral Boundaries (Sask.)*²⁷ is of particular importance in this regard. In this case, Justice McLachlin’s majority judgment upheld a broad interpretation of the purpose of the right to vote granted in section 3 of the Charter. The Court concluded that “the purpose of the right to vote enshrined in s. 3 of the Charter is not equality of voting power per se, but the right to effective representation.”²⁸ The

Court presented the following conditions of effective representation:

“The first is relative parity of voting power. A system which dilutes one citizen’s vote unduly as compared to another citizen’s vote runs the risk of providing inadequate representation to the citizen whose vote is diluted ... But parity of voting power, though of prime importance, is not the only factor to be taken into account in ensuring effective representation Factors like geography, community interests and minority representation may need to be taken into account to ensure that our legislative assemblies effectively represent the diversity of our social mosaic.”²⁹

Thus, the debate has shifted beyond demands based solely on numerical proportionality to demands for electoral

practices that effectively represent the diversity of our social mosaic. This expanded theory of effective representation offers a great deal of potential to Aboriginal people and other groups that feel marginalized in terms of representation in Parliament because it adds strength to their demands for tangible results.

One of the biggest opportunities captured by the idea of “instrumentalizing the capacity for effective representation”³⁰ is its ability to shift the focus from negative consideration of why Aboriginal people do not vote to the development of positive reasons for Aboriginal people to vote. The task is to develop and implement electoral reforms to bring about effective representation for Aboriginal people that meets two criteria. First, there must be an increase in the numerical proportionality of Aboriginal people within the legislature. Second, there must be an increase in their substantive representation through the integration of Aboriginal world views into the social, political and institutional fabric of Canadian electoral practice. There must be a conscious effort to break free from the colonial mindset through the implementation of renewed and re-imagined democratic processes.³¹

The first step to realizing this goal is the recognition that Aboriginal peoples have a fundamentally different approach to politics and political life. Two differences that have particular relevance emerge from the 1993 work of Ovide Mercredi and Mary Ellen Turpel.³² First, Aboriginal people generally approach politics informed by their traditional values, ceremonies, and the teachings of elders and other respected leaders. Second, Aboriginal people use a different set of benchmarks

to measure policy success: the will to sustain Aboriginal languages, cultures and traditions is a driving force in Aboriginal political life³³ and does not hold comparable importance in mainstream political life.

The next step towards increasing Aboriginal participation and representation requires the institutional accommodation of distinct Aboriginal political identities and interests. Aboriginal people will need to see representation and inclusion of their leaders and their ceremonies, symbols and practices in the political processes and institutions of the Canadian State.³⁴ The range of opportunities to meet this challenge is as diverse as the many Aboriginal peoples across the country. In some cases, the representation will involve tribal-specific customs and practices, and in others, it will involve more pan-Indigenous understandings. An example of a potential tribal-specific custom could be the incorporation of a traditional tribal honour song or ceremony and its accompanying protocol to recognize newly elected representatives. For the latter practice, consider the common Indigenous understanding that leaders need to “have face” in the community in order to gain the respect and support of their constituents.³⁵ Aboriginal and non-Aboriginal leaders cannot just be seen at election times, they must make the effort to participate in everyday community life and to develop relations based on reciprocity and trust. By doing so, the leaders will be able to truly understand the interests of the community, which will maximize their representational capacity.

At any rate, it is imperative to recognize that Aboriginal people require incentives to change their political behaviour in the same manner that other political

actors do. Aboriginal people will need to see tangible results in exchange for their political participation in federal electoral politics. Symbolic or token seats in Parliament that can offer only minority or supplementary status will not be sufficient. The benchmark of effective representation is being judicially measured against an increasingly broad standard of equity and fairness, and there can be no doubt that Aboriginal people will draw upon these standards to realize their political needs and aspirations.

Conclusion

The Canadian electoral landscape is marked by a profound sense of distance between the Aboriginal political community and the Canadian political system. This article has demonstrated that overcoming the systemic and structural barriers that prevent Aboriginal people from voting will not be easy, but that it can be accomplished through a commitment to the emerging judicial theory of effective representation. To justify claims of effective Aboriginal political representation, it is imperative that Aboriginal participation be more than numerical representation; it must be substantive in terms of integrating the distinct world views of Aboriginal people into the social, political and institutional fabric of Canadian electoral practice. This, in turn, will assist the development of an array of positive reasons for Aboriginal people to vote. This is the necessary benchmark to meet in order to ensure an inclusive, participatory democratic framework. ✖

NOTES

1. For an informative analysis on the difficulty of measuring the voting participation of Aboriginal people in federal elections see Roger Gibbins, "Electoral Reform and Canada's Aboriginal Population: An Assessment of Aboriginal Electoral Districts" in Robert A. Milen, ed., *Aboriginal Peoples and Electoral Reform in Canada*, Vol. 9 of *The Collected Research Studies*, Royal Commission on Electoral Reform and Party Financing (Toronto: Dundurn Press, 1991), pp. 158–160.
2. Since Confederation, only 17 self-identified Aboriginal people have been elected to the House of Commons. Currently, there are only four Aboriginal members of Parliament out of 301.
3. John Borrows, "The Environment, First Nations, and Democracy" in *Recovering Canada: The Resurgence of Indigenous Law* (Toronto: University of Toronto Press, 2002), p. 43.
4. Alan C. Cairns, *Citizens Plus* (Vancouver: University of British Columbia Press, 2000), p. 208.
5. See: Lisa Young, *Electoral Systems and Representative Legislatures: Consideration of Alternative Electoral Systems*, Report to the Canadian Advisory Council on the Status of Women, July 1994, p. 1; Sally Weaver, "Political Representivity and Indigenous Minorities in Canada and Australia" in Noel Dyck, ed., *Indigenous Peoples and the Nation-State* (St. John's, Newfoundland: Institute of Social and Economic Research, Memorial University, 1985), pp. 113–150.
6. *Reference re Prov. Electoral Boundaries* (Sask.), [1991] 2 S.C.R. 158, p. 183.
7. Gibbins, "Electoral Reform ...", p. 157.
8. Gibbins, p. 157.
9. *Sauvé v. Canada (Chief Electoral Officer)* [2002] S.C.C. 68.
10. *Sauvé v. Canada* at para. 31.
11. Cora Voyageur and Joyce Green, "How Do You Spell Political Success? Candidate Characteristics in the 1999 'Harvest Election'" in *Prairie Forum* Vol. 22, No. 2 (Fall 2001), pp. 187–202.
12. See: Royal Commission on Electoral Reform and Party Financing, *Reforming Electoral Democracy: Final Report* (Ottawa: Minister of Supply and Services Canada, 1991); The Royal Commission on Aboriginal Peoples, *Report of the Royal Commission on Aboriginal Peoples* (Ottawa: Minister of Supply and Services Canada, 1996); and the *Report of the Committee for Aboriginal Electoral Reform* (Ottawa: Minister of Supply and Services Canada, 1991).
13. Borrows, "An Indigenous Declaration of Independence" in *Recovering Canada*, p. 140.
14. David Smith, "Saskatchewan Perspectives" (Chapter Two) in Federation of Saskatchewan Indian Nations, *Saskatchewan and Aboriginal Peoples in the 21st Century: Social, Economic and Political Changes and Challenges* (Regina: Printwest Publishing Services, 1997).
15. See: Robert Milen, "Aboriginal Constitutional and Electoral Reform" in Milen, ed., *Aboriginal Peoples and Electoral Reform in Canada*, pp. 3–65.
16. Marie Battiste and James (Sa'ke'j) Youngblood Henderson, *Protecting Indigenous Knowledge and Heritage* (Saskatoon, Saskatchewan: Purich Publishing Ltd., 2000).
17. Laurie Anne Whitt, Mere Roberts, Waerete Norman, Vicki Grieves, "Belonging to Land: Indigenous Knowledge Systems and the Natural World" in *Oklahoma City University Law Review* Vol. 26, No. 2 (Summer 2001), p. 701.
18. Benjamin Barber, *Strong Democracy: Participatory Politics for a New Age* (Berkeley, California: University of California Press, 1984), p. xi.
19. Keith Archer, Roger Gibbins, Rainer Knopff, Heather McIvor and Leslie A. Pal, *Parameters of Power* (3rd ed.) (Toronto: ITP Nelson, 2002), p. 185.
20. Ian A. L. Getty and Antoine S. Lussier, *As long as the sun shines and water flows: a reader in Canadian native studies* (Vancouver: University of British Columbia Press, 1983), p. 50.
21. For a thorough and informative discussion of the key issues of Aboriginal people, communications and elections, see Valerie Alia, "Aboriginal Peoples and Campaign Coverage in the North" in Milen, ed., *Aboriginal Peoples and Electoral Reform in Canada*, pp. 105–152.
22. Committee for Aboriginal Electoral Reform, *The Path to Electoral Equality* (Ottawa: The Committee for Aboriginal Electoral Reform, 1991), p. 8.
23. See Bill C-7, the proposed *First Nations Governance Act*, which was not enacted before prorogation of the most recent session of Parliament on November 12, 2003, at www.fng-gpn.gc.ca/index_e.asp.
24. Archer et al., *Parameters of Power*, p. 372.
25. Section 3 of the Charter states: "Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein."
26. *Sauvé v. Canada* at para. 15.
27. *Reference re Prov. Electoral Boundaries* (Sask.), [1991] 2 S.C.R. p. 158.
28. *Reference re Prov. Electoral Boundaries* (Sask.), p. 183.
29. *Reference re Prov. Electoral Boundaries* (Sask.), p. 184.
30. Tim Schouls, "Aboriginal People and Electoral Reform in Canada," *Canadian Journal of Political Science* Vol. 24, No. 4 (1996), p. 735.
31. Joyce Green, *Self-Determination, Citizenship, and Federalism: Indigenous and Canadian Palimpsest* (Regina: Saskatchewan Institute of Public Policy, March 2003), pp. 4–5.
32. Ovide Mercredi and Mary Ellen Turpel, *In the Rapids* (Toronto: Penguin Books Canada Ltd., 1993), p. 37.
33. Mercredi and Turpel, *In the Rapids*, p. 38.
34. Green, *Self-Determination, Citizenship, and Federalism*, pp. 4–5.
35. This is an understanding inspired by the teachings of the Ktunaxa Nation.



The Participation of Aboriginal Women in Canadian Electoral Democracy

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To write on the participation of Aboriginal women in Canadian electoral democracy is to consider a negative: Aboriginal women are essentially absent from Canadian parliamentary spaces. This absence can be explained by their experiences as women and as Aboriginal people.¹

The fact that some Aboriginal people only fairly recently acquired the right to vote explains, in part, the paltry number of Aboriginal men and women elected to the House of Commons: since 1867, only 17 people self-declared as Aboriginal have been members of that House.² But the paltry number of Aboriginal parliamentarians can also be explained by the fact that a significant proportion of the Aboriginal population questions the right of the Canadian State to govern them; they offer instead an alternative vision, in which the Aboriginal peoples deal with the federal state as equals (nation to nation), by virtue of a self-government based on Aboriginal and treaty rights.³ In short, the scarcity of Aboriginal people within Canadian parliamentary spaces is the result of at least two forces: as a rule, Aboriginal people have not tried to enter Parliament and the provincial legislatures, and the federal government has done little to invite them in. The existence of racism in non-Aboriginal society must also be taken into account. This process of shunting Aboriginal people aside is even more marked among Aboriginal women, who must grapple not only with the racism of non-Aboriginal society, but also with the sexism of male-dominated institutions.

The objective of this article is to examine certain aspects of Aboriginal women's participation in Canadian electoral democracy, and to compare it with that of non-Aboriginal women. Its central theme is that the participation of Aboriginal women in a parliamentary system dominated by non-Aboriginal men of European background suffers from an accumulation of handicaps inherent in their being women and Aboriginal people.⁴

Descriptive representation of Aboriginal women in Canadian parliamentary spaces

It was in 1960 that the federal legislature abolished the last formal restrictions on the political citizenship of Aboriginal women and men (and the people of the First Nations in particular). Since Confederation, Indians had had the right to vote in federal elections, "but only if they gave up their treaty rights and Indian status through a process defined in the *Indian Act* and known as 'enfranchisement'."⁵ Inuit women and men had been able to vote in federal elections held after 1950. The Métis had no specific restrictions on their right to vote; at least the men did not: Métis women, like non-Aboriginal women, were not allowed to participate in the selection of members of the Canadian House of Commons until late in the second decade of the 20th century.

Since the majority of Canadian women were added to the federal electoral lists,⁶ 155 women have entered the Canadian House of Commons.⁷ Of that number, two have been Inuit, First Nations or Métis: Ethel Dorothy Blondin-Andrew

(member of a First Nation), elected for the first time in 1988, and Nancy Karetak-Lindell (Inuit), elected for the first time in 1997, both under the banner of the Liberal Party of Canada and still sitting in the House in 2003. There is also one Aboriginal woman in the Senate: Métis Thelma J. Chalifoux, appointed in 1997 to represent the Liberal Party. The situation is little different in the provincial and territorial legislatures, to which only a handful of women have been elected.⁸ In 1991, Nellie Cournoyea became the first Aboriginal woman to serve as a first minister (in the Northwest Territories).⁹

Research has offered some explanations for the low number of women in Canadian parliamentary spaces. Essentially, they concern the socialization process and gender-based social roles, and the rules of the political game. One hypothesis is that the socialization process does not encourage women to seek political roles. Moreover, their family, domestic and private responsibilities generate constraints on time and money and an isolation that limits their capacity to become politically involved.¹⁰ The rules of the political game throw up a major obstacle to women in the candidate selection process. Since parties can run only one candidate in an electoral district, some local political elites, it is argued, hesitate to select a woman; doing this is considered to be taking more of a gamble with the electorate. Money also poses a problem for women, particularly the expense of the nomination campaign.¹¹ Finally, it is suggested that the plurality system limits the election of women and Aboriginal people.¹²

To what extent do these explanations in fact explain the limited presence of Aboriginal women in Canadian parliamentary spaces? At first glance,

they seem plausibly linked to their absence from the House of Commons; they provide an initial canvas for analysis to which we must, nevertheless, add the nuances of the specific experiences of Aboriginal women.

Aboriginal societies, like non-Aboriginal societies, evolve to the rhythm of gender-specific roles, created by the socialization process. While there is no consensus on the importance of women's role in traditional Aboriginal societies, the literature recognizes that "there has been a denigration of First Nations women's roles in contemporary society due to the impact of colonization."¹³ To paraphrase Jamieson, under non-Aboriginal law, the Indian woman is citizen minus.¹⁴ In addition to this loss of identity, Aboriginal women are also hit particularly hard by the tragedy of violence, a reality that cannot be separated from their exclusion from the circles of power.¹⁵

The rules of the political game also contribute to the exclusion of Aboriginal women from Canadian parliamentary roles. In its final report, the Royal Commission on Electoral Reform and Party Financing notes that certain practices that parties adopt to select their candidates contribute to the exclusion of women and Aboriginal people from Canadian parliamentary institutions.¹⁶ It is possible to argue – with little risk of being wrong – that Aboriginal women have more trouble getting through the selection process to become a political party's official candidate than women from the non-Aboriginal majority, because of the combined weight of racism and sexism. Moreover, Aboriginal women on average have less education than non-Aboriginal women,¹⁷ an attribute (among other



Nellie Cournoyea was the first Aboriginal woman in Canada to serve as a first minister.

sociodemographic markers such as profession or social class) deemed desirable by the local political elites responsible for selecting candidates. This suggestion is still a hypothesis, however, and must certainly be qualified by taking account of the sociodemographic situation of individual electoral districts.

The limited presence of women in the House of Commons could also be related to the cost of election campaigns, and especially nomination campaigns. Here again, this is likely to affect Aboriginal women more severely since, on average, they have fewer financial resources than their non-Aboriginal counterparts.¹⁸

It is widely held that a plurality system is less favourable to the election of women.¹⁹ However, the election method is less relevant to the proportion of women parliamentarians than the desire of political actors (and parties in particular) to increase their political presence. While it may appear that countries with a proportional system have, on average, more women in Parliament than those that use a plurality system,²⁰ the proportion of women in Canada's House of Commons is

higher than in many countries that elect their representatives using the proportional system, such as Poland, Portugal, Israel, Colombia and Greece. Darcy, Welch and Clark make the same point:

“Greece and Israel show PR [proportional representation] is not sufficient by itself to produce substantial proportions of women parliamentarians. Women are only a small proportion of the Israeli *Knesset* and Greek *Vouli* (both list PR systems), while Canada and New Zealand²¹ show that PR may not be necessary. Each has succeeded in electing substantial proportions of women with single-member districts. Indeed, the woman proportion of the New Zealand House of Representatives exceeds that of almost half of the proportional-representation nations. Thus, by themselves, PR, STV [single transferable vote], or SMD [single-member districts] election systems appear neither to guarantee women seats nor exclude them.”²²

The conclusion, therefore, is that the election method does not automatically determine the number of women in a parliament, but that other factors must be taken into account, including the desire of the political elites to increase the number of female parliamentarians, a nuance also stressed by Lovenduski and Hills: “it is likely that a large part of the immediate explanation for low numbers of women in national office rests rather with the reluctance of political parties to promote women than with the mechanics of the electoral system.”²³ Moreover, it is only under certain conditions that proportional representation favours the election of women: there must be lists, preferably closed lists; there must be several seats

to be filled in an electoral district; the party must be in a position to have a number of its candidates elected; and, finally, the electoral threshold for a party to qualify for seats must be reasonably high.²⁴

In a democracy, ultimate power resides with the people, who can resist the election of more women parliamentarians. The experience of Nunavut is interesting in this regard. In 1994, the Nunavut Implementation Commission suggested gender-equal representation for the new Canadian territory. The original aspect of the proposal was parity: equal male/female representation for every electoral district. If this proposal had passed the referendum test,²⁵ the Legislative Assembly of Nunavut would have become the first parliament in the world with an equal number of women and men (an honour that has now gone to the National Assembly of Wales, despite the lack of acts or regulations designed to attain parity of representation). Aboriginal (and particularly Inuit) women would also have made serious gains over their non-Aboriginal sisters to the south.

“Substantive” representation of Aboriginal women in Canadian parliamentary spaces

Apart from the numbers, the issue at hand is the “substantive” representation of Aboriginal women in Canada’s parliamentary system: are the needs, requests and interests of Aboriginal women heard in Canada’s House of

Commons? The current work on the participation of Aboriginal women in Canadian electoral democracy suggests that they are not. Some works do suggest that a clear majority of non-Aboriginal women MPs feel a responsibility to represent women, both inside and outside their electoral districts.²⁶

Recently, as part of my research into the role of female representation in parliaments deriving from the British tradition, I interviewed female members of New Zealand’s House of Representatives. During the 1990s, this country gave up the plurality system in favour of a mixed election

In 1994, the Nunavut Implementation Commission suggested gender-equal representation for the new Canadian territory ...

system in order, among other things, to increase Maori representation,²⁷ which benefited Maori women as well. When I asked them whether they felt a responsibility to represent the women of New Zealand, the female Maori deputies were unanimous: they represented Maori women, of course, but first and foremost they represented all Maori – women and men. It seems that cultural identity is more important than sexual identity to these Maori MPs’ role as representatives, perhaps because of a history of oppression and their socio-political status, which is still that of a minority. Garneau arrives at the same conclusion about female members of First Nations in Quebec.²⁸ It is a hypothesis that could inspire a closer look at the participation of Aboriginal women in Canada’s electoral democracy.

Conclusion

What can be done to promote the participation of Aboriginal women in Canada's electoral democracy? First of all, it seems to me that this participation cannot be forced and that it must derive from the genuine desire of Aboriginal women and men to be involved in the political institutions of the non-Aboriginal majority.

Essentially, there have been three proposals on ways to promote the participation of Aboriginal people in Canada's electoral democracy: the Lortie Commission proposed the creation of Aboriginal electoral districts (rec. 1.4.12); the Charlottetown Accord, protected seats in the Senate for Aboriginal people; and the Royal Commission on Aboriginal Peoples, an Aboriginal Parliament (rec. 2.3.51). Taking their inspiration from Maori

representation in New Zealand, the proponents of separate representation argue, among other things, that it permits the expression and maintenance of a distinct identity; that it gives a group in the numerical minority some influence over political power; and that it is a recognition of culturally distinct groups within society and of their equality. On the other hand, the opponents of separate electoral districts for the representation of minority cultural groups argue that they promote the balkanization of society; that they restrict Aboriginal representatives to symbolic roles stripped of real power; and that they reserve "special treatment" for a minority group, and indeed are reminiscent of an apartheid system.²⁹ With respect to the second proposal, what is the point of reserving protected seats for Aboriginal people in an institution with no real control over the decision-making process? However, the idea of

protected seats for Aboriginal people in a reformed Senate should not be rejected out of hand without a serious evaluation of the proposed reform.

I think the proposal for an Aboriginal Parliament is the most promising, because it offers a wide range of possibilities for self-government and democratic governance. To deliver on those possibilities, however, an Aboriginal Parliament would have to have real powers and resources, which is not the case in the proposal from the Royal Commission on Aboriginal Peoples – it reserves a purely advisory role for this new body.³⁰ In addition, to make this third order of government as attractive to women as to men, an Aboriginal Parliament must reintegrate the proposal of the Nunavut Implementation Commission for gender-equal representation. That is an idea that could spread to the representation of non-Aboriginal women. ❧

NOTES

1. The Aboriginal peoples of Canada consist of three groups: the Métis, the Inuit and the First Nations (Status and non-Status Indians). The Inuit and First Nations are subdivided into a host of nations.
2. See the table "Aboriginal Candidates Elected in Canadian General Elections" at p. 29 in this issue.
3. Robert A. Milen, *Canadian Representation and Aboriginal Peoples: A Survey of the Issues*, document prepared for the research program of the Royal Commission on Aboriginal Peoples (December 1994), pp. 2–3. See also *Report of the Royal Commission on Aboriginal Peoples*, Vol. 2, *Restructuring the Relationship* (Ottawa: Minister of Supply and Services Canada, 1996).
4. This hypothesis does not imply that it is any easier for women to participate in Aboriginal power structures, as witness the sexism that band chief Roberta Jamieson faced in the leadership race for the Assembly of First Nations in 2003; Hélène Buzzetti, "Vote au leadership de l'Assemblée des Premières Nations. Une véritable course à trois," *Le Devoir* [Montréal], July 12–13, 2003, p. B1.
5. Elections Canada, *A History of the Vote in Canada* (Ottawa: Minister of Public Works and Government Services Canada, 1997), p. 89.
6. Women from the non-Aboriginal majority have been able to run in federal elections since 1919, one year after they were granted the right to vote. In 1950, Inuit women and men became qualified to vote and entitled to run as candidates. In 1960, all Indian people qualified to vote when the franchise was extended to all Indian women and men ordinarily resident on a reserve (until then this group had been excluded from the franchise); the entitlement to run as candidates was also extended accordingly.
7. Manon Tremblay, "L'identité des députées et des sénatrices francophones et anglophones en politique fédérale canadienne," *Recherches féministes* Vol. 16, No. 1 (2003), pp. 5–42.
8. A partial list includes Margaret Commodore (Yukon), Jeannie Marie Jewell (Northwest Territories), Norma (Anne) Kassi-Mercredi (Yukon), Alice McGuire (Yukon), Kathie Emma Nukon (Yukon), Lorraine Peter (Yukon) and Manitok Thompson (Northwest Territories and then Nunavut).
9. Linda Trimble and Jane Arscott, *Still Counting. Women in Politics Across Canada* (Peterborough, Ontario: Broadview Press, 2003), pp. 74–75.
10. Janine Brodie, *Women and Politics in Canada* (Toronto: McGraw-Hill Ryerson, 1985), pp. 77–97.
11. Sylvia B. Bashevkin, *Women and Party Politics in English Canada*, 2nd ed. (Toronto: Oxford University Press, 1993), pp. 170–171. Since the electoral reform of 2003, this step on the road to Parliament

- has been regulated by the *Canada Elections Act*, at least to the extent of putting a ceiling on what nomination candidates spend. It will take a few federal elections before we can determine the effect on the election of women and Aboriginal people to the House of Commons.
12. Thérèse Arseneault, "The Representation of Women and Aboriginals Under PR: Lessons from New Zealand," *Policy Options* Vol. 18, No. 9 (1997), pp. 9–12; Donley T. Studlar, "Will Canada Seriously Consider Electoral System Reform? Women and Aboriginals Should," in Henry Milner, ed., *Making Every Vote Count. Reassessing Canada's Electoral System* (Peterborough, Ontario: Broadview Press, 1999), pp. 123–132.
 13. Judith F. Sayers and Kelly A. MacDonald, *First Nations Women, Governance and the Indian Act: A Collection of Policy Research Reports* (Ottawa: Status of Women Canada, November 2001), p. 11.
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 24. Matland, "Enhancing Women's Political Participation."
 25. The proposal was rejected by 57 percent of the voters in the referendum; Lisa Young, "Gender Equal Legislatures: Evaluating the Proposed Nunavut Electoral System," *Canadian Public Policy* Vol. 23, No. 3 (1997), pp. 306–315.
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 29. Robert A. Milen, *Canadian Representation and Aboriginal Peoples*, pp. 5–6.
 30. On this subject see Paul L. A. H. Chartrand, "Canada and the Aboriginal Peoples: from Dominion to Condominium," in F. Leslie Seidle and David C. Docherty, eds., *Reforming Parliamentary Democracy*, (Montréal/Kingston: McGill-Queen's University Press, 2003), pp. 112, 117.



Representing Aboriginal Interests

Experiences of New Zealand and Australia

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In many democracies that developed from European settlement, there remain to this day significant challenges in representing the interests of Aboriginal peoples within the overall political system. One way in which this representation can occur is through participation in national elections and elections to state or provincial legislative assemblies. Yet, the evidence suggests that Aboriginal participation is significantly lower than non-Aboriginal participation in many countries.¹ Furthermore, even if levels of political participation among people of Aboriginal descent are not lower than the national average, there remain difficulties in representing any minority groups through elected legislatures in plurality electoral systems.² The purpose of this paper is to examine the dramatically different approaches to Aboriginal electoral participation that New Zealand and Australia have taken, as a means of assessing the ways in which various institutional responses can affect the representation of Aboriginal interests.

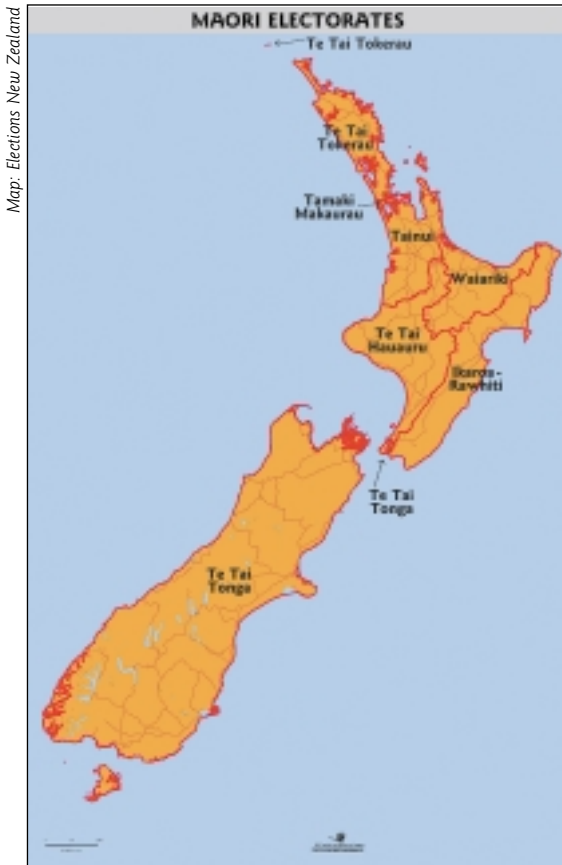
New Zealand's electoral system and Aboriginal representation

Three features of New Zealand's electoral system have a particularly significant impact on the character of representation for the Maori, the Aboriginal people of New Zealand. First, and most important, is the existence of a set of Aboriginal electoral districts (AEDs) that provide for

specific representation of Maori people. Second, there is a system of compulsory voter registration that requires all citizens of New Zealand to be registered on the electoral rolls. Third, the Mixed Member Proportional (MMP) electoral system, adopted in 1993, provides a variety of options for all groups, including Maori electors, to pursue a number of strategies for the election of "their" members to the national Parliament. Although opinion is divided on the degree to which these various institutional forms of electoral representation, in particular the use of AEDs, have provided effective representation of Maori interests, there is little doubt that the manner in which they are used today provides a comparatively high degree of descriptive representation.³ In short, in comparison with Aboriginal people in other countries, the Maori people of New Zealand, who comprise 15.2 percent of the total population,⁴ have a relatively high level of success in gaining election to Parliament.

Aboriginal electoral districts

In almost all democracies, representation through the electoral system is based almost exclusively on where one lives, rather than on who one is. The unit of representation in elections, with few exceptions, is a geographical or territorial area, usually called an electoral district, a riding or a constituency. The electoral system adopted by New



Map: Elections New Zealand

The seven Maori general electorates (electoral districts) in New Zealand.

Zealand in 1867 included provision for additional categories of electoral districts – for pensioners in Auckland, gold miners in the South Island, and a set of four constituencies for Maori people.⁵ Although the original intent was to institute AEDs only for a five-year transitional period (there was a property qualification for the general electorate, which effectively disenfranchised the Maori electorate who held property communally),⁶ the system was viewed as sufficiently salutary for the country that it has been retained, albeit with significant revisions, to the present.

It should be noted that the manner in which AEDs functioned historically has been a subject of considerable criticism. For one thing, the allocation of four Maori seats on the basis of a population of 60,000 Maori in 1867

(i.e. a ratio of one seat per 15,000), compared to 72 seats for a European population of 250,000 (i.e. a ratio of approximately one seat per 3,500) produced structural under-representation of the Maori people in Parliament.⁷ In addition, the perception persisted among the White members of Parliament that the Maori MPs had a representational role only on issues as they related narrowly to the Maori community, and therefore had a reduced role in relation to other members of Parliament. Thus, some have argued, the use of Maori seats has generated the perception of representation of the Maori people without providing effective representation.⁸

A number of changes have occurred recently to increase

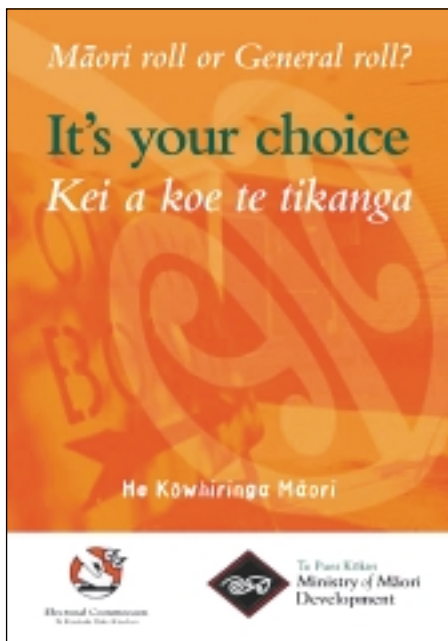
the likelihood of electing a greater number of Aboriginal legislators. When the single-member plurality electoral system was replaced by multi-member proportional representation in 1993 (see below), there also was a change in the allocation of seats to the Maori.

The allocation of four seats to the Maori had remained in place since it was adopted in 1867. In 1993, the allocation formula was changed so that the number of Maori seats is determined on the basis of the population on the Maori electoral roll. As in the past, Maori have the option of registering on the general electoral roll, or on a Maori roll. The South Island of New Zealand

has a predetermined number of seats in Parliament – 16. The population of the South Island (minus those on the Maori roll) is divided by 16, producing the electoral quotient, which is the average number of people in each constituency. The population of the North Island (minus those on the Maori roll) is also divided by the same electoral quotient to produce the number of seats to which it is entitled, as is the population based on the Maori roll.⁹ As the Maori population increases relative to the national population, and/or as more Maori choose to register on the Maori roll (in 2001, 51.3 percent of Maori were on the Maori roll and 48.8 percent were on the general roll),¹⁰ the number of Maori seats increases. Thus, in the 2002 election, 62 members of Parliament were elected from the general electorates and 7 from Maori electorates. An additional 51 were elected from party lists (see below). Since Maori comprise 15.2 percent of the New Zealand population, the assignment of 7 Maori seats compared to 62 general seats (10 percent)

... there has been a very significant increase in the collective electoral voice of the Maori since this system of representation was first introduced almost a century and a half ago.

indicates that the choice of approximately half the Maori to remain on the general roll dilutes the collective electoral power of this group. That point notwithstanding, there has been a very significant increase in the collective electoral voice of the Maori since this system of representation was first introduced almost a century and a half ago.



This Elections New Zealand brochure informs Maori electors that every five years they can choose whether they wish to be registered on the Maori electoral roll or the General electoral roll.

Compulsory voter registration in New Zealand

The second feature of the New Zealand electoral system that has a bearing on Aboriginal representation is compulsory voter registration.¹¹ Like all citizens of New Zealand, Maori have a responsibility to register themselves on the electoral roll. The only difference is that they have a choice of two rolls – the general or the Maori roll. Because voter registration is compulsory, the New Zealand election authority undertakes an active campaign to facilitate the enrolment of all electors. In the case of Maori electors, this includes conducting an electoral option campaign every five years, in which the election authority writes to all Maori electors personally, advising them of their right to be placed on the Maori or general electoral roll, and facilitating their registration on one or the other. In addition, material is available in the

Maori language, and is available at all Post Shops (the responsibility for maintaining the electoral roll is held by the postal authority in New Zealand), and also directly from Elections New Zealand through the Internet (www.elections.govt.nz).

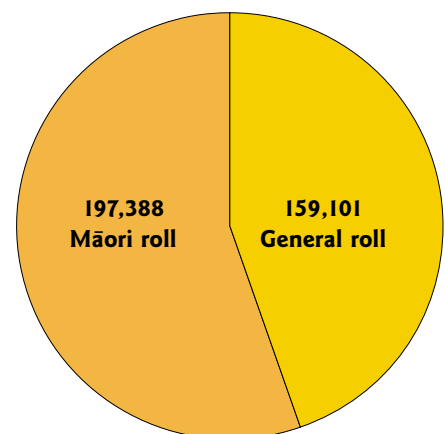
Multi-member plurality electoral system

As a result of two national referendums on electoral system reform, New Zealand changed its electoral system in 1993 from a Single Member Plurality (SMP) to a Mixed Member Proportional (MMP) electoral system.¹² There are 120 seats in Parliament, based on a number of constituency seats (either from the general electorate or the Maori electorate), and seats elected through lists based on a proportional allocation of votes for the parties. The adoption of the MMP system was intended to correct the distortion that results from the SMP system, which typically over-rewards the party with the largest number of votes, often transforming a minority of votes into a majority of legislative seats.¹³ As noted above, when the MMP system was adopted in New Zealand, the allocation of Maori seats also was changed, and is based on the same electoral quotient used to allocate seats from the general electorate in both the North and South islands. Unlike some mixed electoral systems that allocate the list seats based on votes in the constituency elections, the MMP system in New Zealand provides voters with two ballots – one for the constituency (i.e. general or Maori) candidates, and a second for the party.

The MMP system provides all interest groups with several electoral strategies, and provides the Maori with three strategies for election. Members of all groups can seek party nomination (or run as independent candidates) in the general electoral constituencies. They also can organize their efforts within the political parties to ensure their favoured candidates are placed near the top of a party's list. New Zealand Maori may seek party nomination (or run as independents) in the Maori constituencies, and can do so also in the general constituencies. They also can work within the parties to place their favoured candidates on the parties' lists.

The outcome of the 2002 election in New Zealand reveals the relative success of these strategies. First, with respect to the Maori electorates, all seven members elected are Maori, and all seven are Labour members of Parliament. The 62 general electorate seats, of course, present a very different portrait. Even where Aboriginal people comprise a significant minority, as they do in New Zealand with 15.2 percent

Māori Enrolments as at August 2003



More Māori on the Māori Roll can mean more Māori electorates
Fewer Māori on the Māori Roll can mean fewer Māori electorates

Source: Elections New Zealand

of the population, they still have difficulty winning general constituency contests decided by a plurality ballot. Of the 62 general electorate seats, people of Maori background were elected to three, two for the Labour party and one for the New Zealand First party. Thus of the 69 members elected from constituencies (general or Maori), 10 members (14.5 percent) were of Maori background, and of these, 9 were elected as Labour members.¹⁴

The party list presents the third electoral option for Aboriginal people in New Zealand. Of the 51 seats allocated by party list, people of Maori background won 9, or 18 percent. However, the partisan composition of Maori list members of Parliament was very different from that of their constituency counterparts. One person of Maori descent was elected by party list for each of the ACT, Labour, National and Green parties, and five Maori were elected by party list for the New Zealand First party. Thus, overall, 19 of the 120 Parliamentary seats were won by Maori, which increased to 20 seats (17 percent of all Parliamentary seats) when Moana Mackey entered Parliament as a list MP on July 29, 2003. A curious element in the Maori representation by party is that the Labour party appears no more likely to place Maori or other Aboriginal candidates near the top of its list than are other parties, despite the relative success of Maori Labour candidates in the Maori constituencies, and the relative lack of success of the other parties in these constituencies.

Thus, the features of the New Zealand electoral system, and mechanisms of electoral administration such as compulsory voter registration and an optional Maori electoral list, result in a relatively significant amount of



The Web site of Elections New Zealand is at www.elections.org.nz.

representation for Aboriginal people in New Zealand's Parliament. It has also resulted in the appointment of a number of Aboriginal people to Cabinet (including four as of September 2003),¹⁵ particularly in areas of importance to the Maori community. As in all matters of representation, it is debatable whether these forms of representational institutionalization are the most effective and efficient for the Aboriginal community, or whether such forms reflect more of a co-optation of the community.¹⁶ A full assessment of this question is beyond the scope of this article. What is clear, however, is that in terms of descriptive representation, the New Zealand model provides an indication of at least partial success.

Representing Aboriginal interests in Australia

Australian representation of the interests of Aboriginal people provides a significant contrast to the New Zealand experience. Whereas New Zealand provides for at least partial institutional inclusion within the legislature, Australia's history of legislative representation of Aborigines has largely been one of institutional exclusion. The difference between the approaches adopted in the two countries is based in part on cultural and attitudinal differences. For much of its history, Australia has had a far

less accommodating approach to Aboriginal and other minority representation. There is also a large difference in the demographic sizes of the Aboriginal populations in the two countries.

In 2002, the Maori population was 15.2 percent of the total New Zealand population; in contrast, the 2001 Australian census revealed that Indigenous peoples, defined as those of Aboriginal or Torres Strait Islander background, comprised only 2.4 percent of the Australian population. Furthermore, among the six Australian states, the Indigenous population ranged from a low of 0.6 percent in Victoria to a high of 3.7 percent in Tasmania. Only in the Northern Territory, which represents only 1 percent of the national population, are Indigenous peoples present in any strength, comprising 28.8 percent of the total.¹⁷ Although the principle of explicit legislative exclusion has largely been abandoned in Australia, it has been replaced by a system of formal legal inclusion, but de facto under-representation. The system of representation has been adjusted to accommodate the representation of Aboriginal interests through a separate institution – the Aboriginal and Torres Strait Islander Commission (ATSIC), whose members are elected by Aboriginal voters in elections run by the Australian Electoral Commission. Recent controversies surrounding the leadership of ATSIC, however, call into question the effectiveness of this form of representation.

A history of exclusion

The history of voting in Australia can be traced back to the 1850s, when the Australian colonies became self-governing. Voting for members of

legislative assemblies first occurred in South Australia in 1856, Victoria in 1857, New South Wales in 1858 and Tasmania in 1896, at which time adult male British subjects were given the franchise. Although this included Aborigines, the latter were not encouraged to register and vote, and few did. When Queensland (1856) and Western Australia (1890) became self-governing, Aboriginal people in those colonies were explicitly excluded from voting. Furthermore, when Australia was granted dominion government status as a federal state in 1901, its constitution (section 41) was interpreted as denying the federal franchise to Aboriginal people except those already on the state electoral rolls, an interpretation affirmed by the *Commonwealth Franchise Act* in the following year.¹⁸

The first broadening of franchise rights for Aborigines occurred in 1949, when the vote in federal elections was extended to those who had served in the armed forces or had the right to vote in state elections. Western Australia extended the state franchise to Aboriginal electors in 1962, followed by Queensland in 1965. At the federal level, the franchise was extended to Aboriginal people in 1962, although for them, unlike other Australians, neither enrolment nor voting was compulsory. In 1984, electoral enrolment and voting were made compulsory for Aboriginal people, as they had been for non-Aboriginals since the time of nationhood in 1901.

In 1979, the Australian Electoral Commission created the Aboriginal Electoral Enrolment Program – a political education program focused on increasing the proportion of Aboriginal electors who were on the electoral rolls and who voted in

Photo: Australian Electoral Commission



Aboriginal electors voting at remote polling location in Australia.

elections. Although this initiative was viewed as successful in bringing participation rates closer to the national average, the program was abolished in 1996 in the wake of funding cuts.¹⁹ In 1984, the Australian Electoral Commission introduced the use of mobile voting procedures to facilitate the participation of Aboriginal electors in sparsely populated regions.

With the development of the federal franchise taking such a long time, it is perhaps not surprising that Aboriginal people in Australia have had a very poor record of success in electing representatives of Aboriginal origin to Parliament. To date, there still has not been a single Aboriginal person elected to the federal House of Representatives, and only two Aboriginal people have been elected to the federal Senate (Neville Bonner, 1972–1983, and Aden Ridgeway, 1999–present).²⁰ The greatest electoral success for Aboriginal people has been in the Northern Territory, not surprisingly given their greater proportion of the population in that territory. Nine of the fifteen elected Aboriginal representatives have won seats in the Northern Territory legislature, two have been elected to the state legislature in Western Australia, and one each to the state legislatures in Queensland

and Tasmania. The two Aboriginal members elected at the federal level have both been through the Senate (one for Queensland and one for New South Wales). This election to legislative assemblies has not provided an effective outlet for the representation of Aboriginal interests in Australia.

Representation through the Commission

An alternative avenue for Aboriginal participation could be described as functional or neo-corporatist representation.²¹ In this form of representation, a group or organization is given authority (along with governmental funds, in some cases) and is charged with representing the interests of a particular group in discussions with government and in policy development. For example, in 1990, the Australian government created the Aboriginal and Torres Strait Islander Commission (ATSIC), which is comprised of representatives from 35 regional councils in Australia; in 2002–2003 it administered a budget of \$1.2 billion (AUD) in support of Aboriginal people. The regional council elections are administered by the Australian Electoral Commission, using procedures (compulsory enrolment and voting) consistent

with Australian general elections.²² To encourage enrolment and voting, the AEC has developed extensive programs for Aboriginal voter education and mobile polling in sparsely populated areas.

Although functional representation through organizations such as ATSIC has the potential to provide enhanced representation of the interests of Aboriginal people, recent controversies surrounding the senior management of the organization raise questions about its current effectiveness. For example, judicial proceedings are currently underway against the chairman on criminal matters, and public questions have arisen about whether the current leadership has respected its fiduciary responsibilities in the expenditure of public funds. Without commenting on the validity of any of the allegations, what is clear is that the organization

and political choices. With respect to the representation of Aboriginal interests, the New Zealand and Australian cases demonstrate quite different choices and organizational forms.

New Zealand's model of separate electoral districts was taken up in 1991 by the [Canadian] Royal Commission on Electoral Reform and Party Financing (Lortie Commission) as offering promise for more effective representation of Aboriginal interests in Canada. The proposal by the Lortie Commission involved the creation of a separate Aboriginal voter register, as in New Zealand, with the number of Aboriginal districts dependent upon the number of electors on the Aboriginal register, a procedure adopted in New Zealand with the change to the MMP electoral system in 1993.²⁴

In contrast, the [Canadian] Royal Commission on Aboriginal Peoples in 1996 proposed an alternative set of procedures, based on the establishment of a third order of govern-

ment to provide Aboriginal self-government, coupled with the creation of a third chamber of Parliament, the Aboriginal Parliament, to coexist with and advise the other two chambers, the House of Commons and the Senate, on matters relating to Aboriginal people. Thus, instead of the election of Aboriginal members to the House of Commons, the recommendation was to insert within the representational system of Canada another elected Parliament, the members of which comprised representatives of Aboriginal nations.²⁵ To date, the recommendations

on Aboriginal representation of these Royal Commissions appear not to have generated much support within the Canadian federal government.

In the absence of such institutional reform, Aboriginal people in Canada have several options. First, they can operate outside the formal system of parliamentary representation as an organized interest, attempting to influence the highly centralized policy process in Canada. Second, they can work within the party system by attempting to increase the number of Aboriginal people who are nominated as party candidates in ridings where the party has a reasonable chance of success. Third, they may use the courts as a means of addressing policy matters of interest to Aboriginal peoples. Fourth, they can recognize that institutional reform is never complete, and continue to work at building a consensus within and outside of Parliament on proposals for reform. None of these is a simple solution, nor would any of them guarantee success in representing Aboriginal interests in government policy. What these options, which are not mutually exclusive, have in common is the recognition that representation in democratic governance is an ongoing matter, that all groups have the capacity to pursue various representational strategies, and that groups that comprise a small segment of the electorate always face very significant obstacles to the effective representation of their interests in democracies. ❌

... they can work within the party system by attempting to increase the number of Aboriginal people who are nominated as party candidates in ridings where the party has a reasonable chance of success.

itself, and its effectiveness in representing Aboriginal interests, have suffered from the controversy.²³

Conclusion

The representation of societal interests in government always entails ongoing competition among groups. While representative democracy provides an overall set of principles to link a society to its government (e.g. universal enfranchisement, free and periodic elections), the particular forms used in any context are a function of historical evolution

NOTES

1. Determining the electoral participation rate of Aboriginal people is notoriously difficult, since few surveys have been undertaken on this topic. For a very useful attempt at this in Canada, see Roger Gibbins, "Electoral Reform and Canada's Aboriginal Population: An Assessment of Aboriginal Electoral Districts," in Robert A. Milen, ed., *Aboriginal Peoples and Electoral Reform in Canada*, Vol. 9 of *The Collected Research Studies*, Royal Commission on Electoral Reform and Party Financing (Toronto: Dundurn Press, 1991), pp. 158–161.
2. For a discussion of the representational challenges posed by single member plurality electoral systems see, among others, Henry Milner, ed., *Making Every Vote Count: Reassessing Canada's Electoral System* (Peterborough, Ontario: Broadview Press, 1999).
3. In her classic study, *The Concept of Representation*, Hanna F. Pitkin (Berkeley, California: University of California Press, 1972) argues that there are a number of forms of representation, including formal, "standing for", and "acting for" representation. One dimension of "standing for" representation is what she describes as descriptive representation, which exists when the characteristics of the representative body mirror the characteristics of those being represented. Therefore, it concerns whether representatives figuratively look like those they represent. With respect to Aboriginal people, a representative body can be said to be descriptively representative if it contains a number of Aboriginal people roughly proportional to their proportion of the electorate.
4. Calculated from Statistics New Zealand's estimate of Maori and total population, June 2002. See www.stats.govt.nz/.
5. See, for example, Augie Fleras, "Aboriginal Electoral Districts for Canada: Lessons from New Zealand," in Robert A. Milen, ed., *Aboriginal Peoples and Electoral Reform*, p. 71; and Gibbins, "Electoral Reform and Canada's Aboriginal Population," pp. 161–162.
6. Fleras, "Aboriginal Electoral Districts for Canada," p. 71.
7. Gibbins, "Electoral Reform and Canada's Aboriginal Population," pp. 161.
8. See Fleras, "Aboriginal Electoral Districts for Canada"; Gibbins, "Electoral Reform and Canada's Aboriginal Population."
9. For a description of the New Zealand electoral system, see Elections New Zealand, "How Parliament is Elected," n.d., available at www.elections.govt.nz.
10. New Zealand Electoral Commission, "It's your choice," n.d., p. 3, available at www.elections.govt.nz.
11. In New Zealand, voter registration is compulsory but voting is optional.
12. Elections New Zealand, *New Zealand's electoral system*, n.d.
13. On the effects of electoral systems, see among many others, David Farrell, *Electoral Systems: A Comparative Introduction* (Houndmills: Palgrave, 2001).
14. Data on the ethnic background of MPs was provided by the Parliamentary Information Service, New Zealand Parliamentary Library.
15. Data from the New Zealand Parliamentary Web site, www.ps.parliament.govt.nz/.
16. See, for example, Gibbins, "Electoral Reform and Canada's Aboriginal Population."
17. See Australian Bureau of Statistics, *Year Book Australia*, 2003, Tables 5.4 and 5.7.
18. This section is taken from the timeline presented in Australian Electoral Commission, *History of the Indigenous Vote*, August 2002, p. 13, available at www.aec.gov.au.
19. Australian Electoral Commission, *History of the Indigenous Vote*, pp. 7–14.
20. See the complete list of people of Aboriginal origin elected to legislatures in Australia in Australian Electoral Commission, *History of the Indigenous Vote*, p. iv.
21. For a description of neo-corporatist representation, see Phillip C. Schmitter and Gerhard Lehmbruch, eds., *Trends Toward Corporatist Intermediation* (London: Sage, 1979).
22. Australian Electoral Commission, *History of the Indigenous Vote*, p. 11.
23. Details of this controversy were widely broadcast on Australian radio and television, and appeared frequently in the pages of Australian newspapers from March 2003 onwards.
24. Royal Commission on Electoral Reform and Party Financing, *Final Report*, Vol. 1, *Reforming Electoral Democracy* (Toronto: Dundurn Press, 1991), p. 187.
25. *Report of the Royal Commission on Aboriginal Peoples*, Vol. 2, *Restructuring the Relationship*, Part One (Ottawa: Minister of Supply and Services Canada, 1996), p. 377.



The Effect of Expansion of the Franchise on Turnout

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In 1960, the Diefenbaker government extended the franchise to Status Indians in Canada, and the country suddenly had several hundred thousand new voters. In other countries, when the franchise has been extended to certain groups, the new potential voters have been slow to take up the right, although eventually they come to vote in much the same proportion as the rest of the population. This article compares several cases of franchise expansion to see whether they can help shed light on trends in voter participation among Aboriginal people in Canada.

The article begins by examining the polling results of the past 23 federal and provincial elections in Manitoba, and shows that there has been a much more serious decline in turnout among First Nations electors than among other voters in Canada. It then contrasts the Manitoba voting trends with four foreign cases where the franchise was extended to groups that had not previously had it and explores whether these examples can be of use in assessing voting trends among First Nations people in Canada.

The four non-Canadian franchise expansions considered are: Germany in 1871, Great Britain in 1918, the United States in the 1960s (Civil Rights era registration of African-Americans), and the United States in 1924 (enfranchisement of Native Americans). The first three followed a similar pattern, namely, an initial reluctance to exercise the vote, followed by a gradual increase in turnout. In contrast, voting in Native American areas followed a pattern similar to that among Manitoba's First Nations voters, where a moderately high turnout in the first few

elections after franchise expansion was followed by a disproportionate drop.

Aboriginal voting in Manitoba elections

Before examining the results, a short methodological explanation is in order. Survey data are indispensable in analyzing elections, as a recent study of non-voting behaviour in Canada shows.¹ However, because Aboriginal people form only 3.3 percent of the Canadian population,² most surveys are unable to provide an accurate indication of their rates of voting or not voting. The analysis of polling results makes it possible to consider turnout rates for those First Nations populations that are highly concentrated geographically. Moreover, it is possible to gather past voting results and determine what the major trends have been for that group over a long period.

Manitoba has long followed Canadian turnout trends, and Manitoba's rate was within 3 percent of the national average in every federal election in the past half-century except 1997, when flooding during the election led to a 3.8 percent gap. Manitoba has a large and growing First Nations population,³ and the shifts in both turnout and partisan support show several trends that differ from the rest of the province, and from Canada as a whole.

Table 1 shows the turnout and partisan support on 64 First Nations reserves in the 23 elections held since enfranchisement in 1960. In some elections, there was no separate poll for a particular reserve, generally because of small populations. However, nearly all reserves had a separate poll in most elections. Practically all the



After the Diefenbaker government extended the franchise to Status Indians in 1960, the first reserve Indians to vote federally were those of the Rice Lake Band near Peterborough, Ontario, in a by-election on October 31, 1960.

on-reserve voters were Aboriginal people.

Table 1 shows that the initial high turnout coincided with support for the Progressive Conservatives in both federal and provincial elections. This was not surprising, since the federal Tories initiated enfranchisement in 1960. Support for the Conservatives then waned among First Nations voters, dropping to 6.0 percent in

the 2003 provincial election, and only 2.5 percent in the 2000 federal election.

A more striking observation is the significant decline in First Nations turnout: it dropped from 65 percent to 26 percent between 1962 and 2003. The actual number of voters in 1962 (5,664) was not much lower than in 2003 (7,924), despite the more than threefold increase in the potential First Nations electorate. Thus, while the overall trend in turnout for both Manitoba and Canada has been downward, in the polls located on reserves the decline has been dramatic.

Table 1
First Nations Voting on Manitoba Reserves⁴

	Liberal	N.D.P.	Progressive Conservative	Total	Registered	Turnout %	Liberal %	N.D.P. %	Progressive Conservative %
1962 F	1,256	851	3,378	5,664	8,667	65.4	22.5	15.3	60.5
1963 F	1,843	608	3,375	6,038	9,793	61.7	30.8	10.2	56.4
1965 F	1,191	322	3,659	5,334	9,511	56.1	22.5	6.1	69.2
1968 F	1,493	490	2,974	5,039	9,491	53.1	29.9	9.8	59.6
1969 P	1,376	1,761	2,253	6,177	11,554	53.5	22.5	28.8	36.8
1972 F	2,093	1,660	2,432	6,627	12,205	54.3	33.2	26.3	38.6
1973 P	1,160	4,014	1,479	8,444	14,427	58.5	13.9	48.1	17.7
1974 F	1,318	2,164	2,659	6,338	12,331	51.4	21.0	34.4	42.3
1977 P	1,690	4,302	1,704	7,738	15,631	49.5	22.0	55.9	22.1
1979 F	1,820	4,659	1,448	7,972	15,824	50.4	23.0	58.8	18.3
1980 F	4,482	3,424	1,033	9,120	16,278	56.0	49.5	37.8	11.4
1981 P	843	6,938	833	8,770	16,894	51.9	9.7	79.8	9.6
1984 F	1,555	4,104	2,238	8,311	18,272	45.5	18.8	49.6	27.1
1986 P	820	6,583	1,205	8,684	19,818	43.8	9.5	76.3	14.0
1988 F	3,265	5,196	916	9,512	20,141	47.2	34.4	54.8	9.7
1988 P	1,915	4,994	1,919	8,859	21,375	41.4	21.7	56.5	21.7
1990 P	1,967	7,450	974	10,426	24,792	42.1	18.9	71.6	9.4
1993 F	6,571	2,188	485	9,914	24,988	39.7	66.6	22.2	4.9
1995 P	1,436	6,401	1,064	9,381	26,426	35.5	14.9	66.4	11.0
1997 F	3,616	3,097	468	8,967	27,546	32.6	46.0	39.4	6.0
1999 P	958	5,224	1,707	9,990	28,030	35.6	12.1	65.9	21.5
2000 F	7,787	3,491	310	12,223	26,742	45.7	63.3	28.4	2.5
2003 P	473	6,565	859	7,924	29,681	26.7	10.9	83.1	6.0

Note: F = Federal election; P = provincial election. The results of the 1963 and 1966 provincial elections are not included due to numerous errors in the official reports.

Some non-Canadian comparisons

Germany

The most famous mass enfranchisement probably took place in the German Empire in 1871, when Otto von Bismarck replaced the three-tiered voting system of the kingdom of Prussia with universal adult male suffrage. As Table 2 shows, the first election held had a turnout of only 51 percent, but this rose gradually to a high of 85 percent in the last election held before the First World War. Some of the increase in votes went to the Social Democrats (SPD), particularly after 1890, when SPD public activity was legalized.

Nearly all studies of this trend have attributed the rise in turnout to a straightforward movement from not voting to voting socialist.

However, a recent study indicates that the SPD recruited voters from other parties, while the non-Socialist parties were engaged in anti-socialist campaigns of their own, and recruited most of the previous non-voters.⁵

Table 2
Participation Rates in Elections to the German Reichstag, 1871–1912⁶

Year	% turnout	SPD % of eligible voters
1871	51	2
1874	62	4
1877	60	6
1878	63	5
1881	56	3
1884	61	6
1887	78	8
1890	72	14
1893	73	17
1898	68	19
1903	75	24
1907	85	25
1912	85	30

Thus a major force behind the increased turnout seems to have been the campaigns of the various parties to mobilize non-voters to resist (or support) socialism.

Great Britain

In the United Kingdom, until 1918, only 59 percent of adult males had the vote, despite the Reform Acts of the 19th century. In 1918, the franchise was extended to all adult males and to women over 29. In the election that year, only half of those eligible voted, a significant drop from the December 1910 election, when more than 80 percent voted.

In 1922, turnout rose to 72 percent, then to 76 percent, and to 84 percent in 1950. Since then it has declined, to 59.4 percent in 2001. From the late 1920s to the mid-1950s, elections in Britain were polarized along the lines

of socialism versus anti-socialism. From the 1970s (polarization was still strong beyond the 1960s) this influence waned, and turnout gradually dropped. As in Germany, the period of high turnout coincided with strong partisan rivalry based on ideological differences.

United States: enfranchisement of African-Americans

A third example of enfranchisement is the Civil Rights voter

Table 3
Participation Rates in British Elections, 1906–1931, 1950 and 2001⁷

Year	% turnout	Labour vote %
1906	74.6	9.4
1910 Jan.	82.6	8.0
1910 Dec.	86.6	7.1
1918	53.8	22.2
1922	72.4	29.4
1923	70.8	30.5
1924	76.6	33.0
1929	76.1	37.1
1931	76.3	30.7
1950	83.6	46.1
2001	59.4	40.7

registration activity of the 1960s. Theoretically, African-Americans were enfranchised by the 15th Amendment to the American Constitution in 1869. However, effective enfranchisement did not happen in the South until the registration campaigns. Tables 4 and 5 compare voter participation in states with varying percentages of African-Americans in both Presidential and Congressional elections.⁸

Table 4 shows that turnout in Presidential elections in 1900 was low in most Southern states (Column C), compared with 74 percent in Northern states (Column A). The differences remained high until after 1960, before the Civil Rights movement gained momentum. The gap dropped to 10 percent in 1980, and 7.5 percent in 2000. These changes resulted from both an increased turnout in Southern states and a decline in the other states. This pattern was similar to both the German and British cases, where a low initial turnout was followed by increased participation.

Table 5 shows how the turnout in 1940 was low, perhaps because

**Table 4
Presidential Elections, 1900–2000**

	A. Turnout % in states with under 10% Black voters	B. Turnout % in states with 10–24% Black voters	C. Turnout % in states with over 25% Black voters	Difference between columns A and C %
1900	74.0	71.9	35.2	38.8
1920	52.1	43.6	19.4	32.7
1940	69.8	38.8	24.4	45.4
1960	71.3	52.9	41.2	30.1
1980	58.0	52.2	47.6	10.4
2000	56.3	50.9	48.8	7.5

1960. In 1980 and 2000, the state turnout declined – by 10 percent between 1960 and 1980, and a further 5 percent between 1980 and 2000. However, turnout in the 20 counties with a Native American majority declined even more, by 13 percent in 1980 and another 8 percent in 2000.

This pattern of decline

**Table 5
Congressional Elections in
Southern States, 1940–2000**

	Turnout %
1940	27.4
1960	34.9
1980	38.5
2000	41.8

the Democrats won an average of 91 percent of the time; voters were unlikely to have much individual impact with so many safe seats for one party. During the 1980s, and even more so in the 1990s, the South became much more competitive, with the Democrats winning only 40.1 percent of Southern Congressional Districts in 2002; Congressional voter turnout increased during that period, although it is still low compared with most democracies.

As in both Germany and Britain, higher turnout appears to have followed voter mobilization campaigns combined with increased partisan rivalry, when the Republicans emerged as the leading, though not the overwhelming, party in the South.

United States: enfranchisement of Native Americans

A fourth enfranchisement to consider is that of Native Americans in the

1920s. The first Presidential election in which this applied was that of 1924. Table 6 shows the rate of turnout in the 20 counties in the U.S. that today have a more than 50 percent Native American population,⁹ and compares the vote in those counties with the overall vote in the states where the counties are located.¹⁰

In the counties concerned, turnout was greater in the 20 majority-Native American counties than in the rest of the same state in both 1940 and

resembles the changes observed in Manitoba, rather than the British, German or African-American cases.

Conclusion

The data presented in this article do not allow us to determine the causes of the increasing tendency to abstain among Manitoba’s on-reserve electors. Nevertheless, the type of comparative analysis conducted here can be instructive. Of particular interest is the similarity

**Table 6
Voting in 20 Majority-Native American Counties, 1940–2000**

	State turnout, 1940 %	State turnout, 1960 %	State turnout, 1980 %	State turnout, 2000 %
Arizona	52.0	54.4	45.4	40.7
Minnesota	69.6	77.1	70.7	67.2
Montana	69.6	71.4	65.6	61.1
Nebraska	73.6	71.4	57.1	55.3
New Mexico	64.5	62.2	51.6	45.7
North Carolina	42.6	53.5	43.9	47.9
North Dakota	75.2	78.5	65.3	59.8
Oklahoma	60.3	63.8	53.0	48.2
South Dakota	79.5	78.3	67.5	57.3
Utah	80.3	80.1	65.6	50.9
Wisconsin ¹¹			67.9	65.0
Average state turnout %	66.7	69.1	59.4	54.5
Average turnout in 20 counties %	69.1	69.2	53.4	45.3
Difference %	2.3	0.1	-6.0	-9.2

observed between the Manitoba case and the enfranchisement of Native Americans. In both cases, an initial increase in turnout was followed by a gradual but steady decline. The contrast between these two cases and the other three examined here (Germany, Britain and African-Americans) is striking. Moreover, it is interesting to note that in the latter three cases, increased turnout coincided with an increased effort by certain political parties to educate and mobilize voters. This pattern supports the conclusion, made

elsewhere as well,¹² that mobilization of voters by political parties is an effective way to encourage turnout.

The fact that turnout has recently declined across Canada, even more so among Aboriginal electors, raises the question of whether the parties are carrying out this important function to the same degree as they once did. The current atmosphere in Canada of reduced voter interest and turnout among the population as a whole¹³ could signal a trend to even lower voter participation among First

Nations people. Regardless of the exact causes of the decline, however, one thing is certain: democracy loses when a significant and growing segment of the population, in effect, votes with its feet. ❌

NOTES

1. Jon H. Pammett and Lawrence LeDuc, *Explaining the Turnout Decline in Canadian Federal Elections: A New Survey of Non-voters* (Elections Canada, 2003). Available on-line at: www.elections.ca.
2. Or 2.2 percent in 2001, excluding the Métis and Inuit peoples, according to the 2001 Canadian census; see <http://www.statcan.ca/english/Pgdb/demo39a.htm>.
3. 13.64 percent including the Métis people, or 8.42 percent not including them, in the 2001 census.
4. All federal voting figures are derived from the poll-by-poll results in the reports of the Chief Electoral Officer of Canada published after each election; the provincial election data are from the statements of votes published by the Chief Electoral Officer of Manitoba.
5. Jonathan Sperber, *The Kaiser's Voters: Electors and Elections in Imperial Germany* (New York: Cambridge University Press, 1997), p. 37.
6. Based on Sperber, *The Kaiser's Voters*, p. 38.
7. Sources: turnout for 1906–1910, Neal Blewett, *The Peers, the Parties and the People: The British General Elections of 1910* (Toronto: University of Toronto Press, 1972), p. 277; for 1918–1936, based on Michael Kinnear, *The British Voter: An Atlas and Survey Since 1885* (London: Batsford Academic and Educational Ltd., 1981, 2nd ed.), p. 73; for 1950, D. E. Butler, *The British Electoral System 1918–1950* (Oxford: Clarendon Press, 1952), p. 172; for 2001, International Institute for Democracy and Electoral Assistance Internet site, www.idea.int/voter_turnout/westeurope/index.html.
8. County-level data show similar trends: a clear distinction in turnout between counties with significant African-American populations before 1960, and other parts of each state; and no obvious correlation recently. In 2000, the American Census Bureau announced that “African Americans were the only race or ethnic group to defy the trend of declining voter participation in Congressional elections,” see www.census.gov/Press-Release/www/2000/cb00-114.html.
9. The average percentage of American Indians in these counties was 68.86, the highest being 94.2 percent in Shannon, South Dakota.
10. Electoral data for the United States are derived from R. M. Scammon, *America at the Polls, 1920–1964* (Pittsburgh: Pittsburgh University Press, 1965); for 1980, from Scammon, *America Votes, 1980* (Washington: Congressional Quarterly, 1981); and for 2000, from the official reports issued by the Secretaries of State for each state.
11. Wisconsin is not included before 1980, since the only majority-Native American county there, Menominee, was not created until 1961.
12. See for example, André Blais, Elisabeth Gidengil, Richard Nadeau and Neil Nevitte, *Anatomy of a Liberal Victory: Making Sense of the 2000 Canadian Election* (Peterborough: Broadview Press, 2002), p. 57.
13. The average turnout from 1921 to 1984 was 74.3 percent, compared with only 66.0 percent in the past three federal elections. Blais, et al., “The evolving nature of non-voting: Evidence from Canada,” presented to the American Political Science Association, 2001, p. 5, suggests that this is due to generational replacement.



Mary Two-Axe Earley Crusader for Equal Rights for Aboriginal Women

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Mary Two-Axe Earley, a Mohawk from Kahnawake, Quebec, changed the lives of thousands of Aboriginal women and their children. She undertook a long and tenacious equal rights campaign on behalf of Aboriginal women who lost their Indian¹ status under the law, and the rights and benefits to which this status entitled them, when they married non-Indians. In 1985, largely because of Two-Axe Earley's efforts, Parliament passed legislation amending the *Indian Act* to eliminate the discrimination that penalized Status Indians who were women (while permitting men to marry whom they chose without sanctions), and to provide a reinstatement process. Once reinstated, the women could reclaim their rights under the Act. Among other things, this opened the door to much better health and education services for them and their children.

Two-Axe Earley's political activism began relatively late in life. When she was 55, a friend who died after losing her status was denied burial on the Kahnawake reserve. Two-Axe Earley took up the cause and more than 25 years of activism followed, bringing her many awards and the admiration and respect of many Canadians.

The early years

On October 4, 1911, she was born Mary Two-Axe, on the Mohawk reserve at Caughnawaga (as it was then called) on Montréal's South Shore. She spent much of her early life there, but at the age of 10, she was in North Dakota with her mother, an Oneida nurse and teacher. When her mother

died caring for students during a Spanish flu epidemic, Two-Axe Earley's grandfather travelled west by train to bring Mary back to the reserve.

At age 18, she moved to Brooklyn, New York, and a few years later married an Irish-American electrical engineer, Edward Earley. Many Mohawks lived in New York to work in construction, excelling at high-paying jobs as agile iron-workers on the dangerous high beams. The Earleys had two children, Edward and Rosemary.

Marrying a non-Indian meant that Two-Axe Earley lost her Indian status, under provisions of the *Indian Act* passed in 1876. While the Aboriginal people themselves had not previously regarded women as second-class citizens, the law reflected the Victorian European notion that women were legally the possessions of their husbands. Losing her status rights meant that Two-Axe Earley could not live on the reserve where she was born, own land there, participate in the band's political life, vote in its elections, or be buried on the reserve. At the time, all this was of little concern to Two-Axe Earley. "Who thought about status? We were in love," she told *The Gazette* in a 1990 interview. Each year, Two-Axe Earley would return to Kahnawake and spend the summer with her son and daughter in the house her grandfather had built on the reserve.

In 1966, a friend, who had lost her status upon marrying a Mohawk from another reserve, died in Mary's arms one morning, in Brooklyn. She had been ordered to leave the



It took almost 20 years, but Mary Two-Axe Earley's campaign finally convinced Parliament to amend the Indian Act to remove discrimination against First Nations women.

reserve and to sell her house. While the official cause of death was a heart attack, Two-Axe Earley believed it was the stress from the discrimination she suffered that was actually responsible. Her friend was also not allowed to be buried on the Kahnawake reserve.

The campaign begins

The circumstances of her friend's death and her resulting anger were likely the major reasons Two-Axe Earley began to organize and campaign for equal rights for First Nations women. In 1967, she founded the provincial organization, Equal Rights for Indian Women (which later became the national Indian Rights for Indian Women).² Two-Axe Earley wrote many letters, made many passionate speeches and presented submissions to government task forces and ministers. She often faced opposition from male First Nations leaders, who feared that the marriage of Indian women to non-Indians would lead to assimilation and

erosion of Aboriginal autonomy. They also argued that the cost of extending Indian status to thousands of deregistered First Nations women and their children would be too high for the bands to bear. Two-Axe Earley wrote to Senator Thérèse Casgrain,³ a strong advocate of women's rights in Quebec, who urged her to submit a brief to the Royal Commission on the Status of Women in Canada, which was established in 1967. Two-Axe Earley then led a deputation before

the Commission, "to protest that our rights, our birthright has been taken away." She also revealed that there had been pressure on her from within Kahnawake not to appear before the Commission.

In 1969, after her husband died, Two-Axe Earley felt lonely in Brooklyn and moved back to the Kahnawake riverside log house that she had inherited from her grandmother. The band leaders made it clear she was not welcome on the reserve, but a stratagem allowed her to keep the house and live there. She gave it to her daughter, who had regained her status by marrying a Mohawk man. Two-Axe Earley often described herself as "a guest in my own house."

The Royal Commission on the Status of Women in Canada found "there is a special kind of discrimination under the terms of the *Indian Act* which can affect Indian women upon marriage."

Its 1970 report recommended that legislation should be enacted to repeal the sections of the Act, which it said discriminated on the basis of sex, and that "Indian women and men should enjoy the same rights and privileges in matters of marriage and property as other Canadians."⁴

In 1975, while attending an International Women's Year conference in Mexico, Two-Axe Earley learned that the Kahnawake band council had used the *Indian Act* to evict her. "I phoned home and it was about one in the morning and my daughter said – mother we're debating whether to tell you or not – you have been evicted from home; you have to leave the reserve in 60 days."⁵ Two-Axe Earley immediately used the conference to tell the world about her plight. After a storm of national and international publicity, the eviction notice was eventually withdrawn.

Another very visible case was that of Sandra Lovelace, a Maliseet from the Tobique Reserve in New Brunswick, who lost her Indian status after marrying an American airman in 1970 and moving with him to California. Her marriage ended a few years later and, upon returning to the reserve, she and her children were denied housing, health care and education. In 1977, Lovelace appealed to the United Nations Human Rights Committee. In July 1979, to draw attention to the situation, the women's group at the Tobique Reserve organized a walk of women and children from the Oka Reserve, west of Montréal, to Ottawa, a distance of about 160 kilometres. They were supported along the way by people who provided them with food and cold drinks. When called upon by the UN Human Rights Committee to defend

its actions, the Canadian government said that, while it wanted to change the law, its hands were tied because the First Nations community itself could not come to agreement on the issue. In 1981, after almost four years, the UN Human Rights Committee ruled that Canada had broken the International Covenant on Civil and Political Rights. It was a major, albeit symbolic, victory for many Aboriginal women in Canada.

Subsequently, the 1982 adoption of the *Canadian Charter of Rights and Freedoms* also greatly assisted the cause, by adding more pressure on the federal government to eliminate the sexual discrimination faced by First Nations women. Two-Axe Earley's fierce determination also impressed Quebec's premier, René Lévesque. When the first ministers at a 1983 constitutional conference refused her request to speak, Lévesque gave her his chair at the table, forcing the other political leaders to listen to her pleas for justice for First Nations women. "Please search your hearts and minds, follow the dictates of your conscience, set my sisters free," she told them.⁶

1985 passage of Bill C-31

On June 28, 1985, almost two decades after Mary Two-Axe Earley began her campaign, the Parliament of Canada passed Bill C-31, which amended the *Indian Act* and brought it into accord with the equality provisions of the *Canadian Charter of Rights and Freedoms* that came into effect on April 17 of that year. Bill C-31 removed the long-standing discrimination endured by First Nations women by restoring Indian status and membership rights to the thousands who had married non-Indians. Two generations of children from those marriages were

also given Indian status immediately, which meant they also gained access to federal programs and services and were able to apply for membership in a band. At the time, the government estimated that more than 16,000 women and 46,000 first-generation descendants were eligible to benefit.⁷

One week later, on July 5, 1985, Two-Axe Earley became the first person in Canada to regain her Indian status when, at a ceremony in

Toronto, she was presented with written confirmation by the Minister of Indian Affairs and Northern Development, David Crombie. "I could find no greater tribute to your long years of work than to let history record that you are the first person to have their rights restored under the new legislation," the minister said. Two-Axe Earley, who was 73, responded, "Now I'll have legal rights again. After all these years, I'll be legally entitled to live on the reserve, to own property, die and be buried with my own people."⁸

The revised legislation also abolished the concept of "enfranchisement." Under the old *Indian Act*, First Nations people who were "capable of assuming the duties and responsibilities of citizenship" could give up their Indian status, if they chose to do so. But that concept had already become outmoded in 1960, when the government of Prime Minister John Diefenbaker gave Status Indians the right to vote in federal elections.

The 1985 amendments to the *Indian Act* did not go unchallenged. Some bands refused to reinstate expelled

women. Three bands, led by the Chief of the wealthy northern Alberta Sawridge Band, went to court to try to quash the guarantee of equality between First Nations men and women. For Mary Two-Axe Earley, therefore, the fight was not over. In December 1993, then 83, and as

Bill C-31 removed the long-standing discrimination endured by First Nations women by restoring Indian status and membership rights to the thousands who had married non-Indians.

a witness for the Native Council of Canada, she rolled her wheelchair into the Federal Court of Canada to testify about the hardships of women expelled from their home reserves. One of her most striking points was that the Kahnawake reserve had three graveyards: one for Catholics, one for Protestants, and one for dogs. While dogs could be buried on the reserve, "if you were a Mohawk woman who married a non-Indian, you had to be buried outside the community." The Court concluded that the Canadian government – not First Nations – had the ultimate say in determining band membership.

It was an important victory, but years later Two-Axe Earley still felt women were not receiving fair treatment from male band leaders. "Many native women are still denied the opportunity to live in their communities, despite the legislation (Bill C-31) that was supposed to enable them to do so."⁹

Personal recognition

Over the years, Two-Axe Earley received many awards honouring her

dedicated activism and achievements. In 1979, she was one of the first recipients of the Governor General's

... she was one of the first recipients of the Governor General's Award in Commemoration of the Persons Case, given to outstanding Canadian women.

Award in Commemoration of the Persons Case, given to outstanding Canadian women. As the founder and vice-president of Indian Rights for Indian Women, she was recognized for "her tireless efforts to ensure rights for native Indian women are equal to those of native Indian men." Two years later, Two-Axe Earley was awarded an honorary Doctorate of Laws degree by York University. Many of her supporters could not afford the trip to Toronto, so she asked René Lévesque for financial assistance. Instead, the premier provided

his government plane, so that the group would not have to spend many hours on a bus. In 1985, Two-Axe Earley's name was on the first list of members of the Order of Quebec. A few months before her death in 1996, she also received a National Aboriginal Achievement

Award. Her health did not allow her to go to Winnipeg to accept in person, but that did not dampen her appreciation. "This award means to me a great deal, as this is the first time a national Aboriginal organization has given me any award," she said.¹⁰

Laid to rest in the right place

Mary Two-Axe Earley died of respiratory failure on August 21, 1996, in Kahnawake, at the age of 84. She had been hospitalized since February

of that year, after several years of failing health. About 200 mourners gathered at an old church on the Kahnawake Mohawk Reserve. Two-Axe Earley was described as a pioneer of Canadian feminism and an inspiration to Aboriginal women. Most significantly, she was buried in the Catholic cemetery that lies on a small hill in the heart of the reserve. That was possible only because of the 1985 legislative changes for which she had fought so many years. Among them was the right to be buried on the Mohawk reserve, her birthplace and what she always regarded as her true home. ✕

NOTES

1. The term "Indian" is not in common use in Canada and is used only to refer to the First Nations people in connection with their legal status under the Constitution or the *Indian Act*. Legally, the Canadian Constitution (the *Constitution Act, 1982*) recognizes three groups of Aboriginal people – Indians, Métis and Inuit. Under the *Indian Act*, there are three categories of Indians in Canada: Status Indians, non-Status Indians and Treaty Indians.
2. Those organizations were succeeded in 1974 by Quebec Native Women Inc. (QNW), which represents the women of the First Nations of Quebec and Aboriginal women living in urban areas. Its Web site is at <http://qnwfaq.com>.
3. For a profile of Thérèse Casgrain, see the May 2002 issue of *Electoral Insight*.
4. "We recommend that the *Indian Act* be amended to allow an Indian woman upon marriage to a non-Indian to (a) retain her Indian status and (b) transmit her Indian status to her children." *Report of the Royal Commission on the Status of Women in Canada* (Ottawa: Information Canada), September 28, 1970, paragraph 59, p. 238.
5. Excerpt from *Human Rights Video Portraits* (Ottawa: University of Ottawa Human Rights Research and Education Centre), 1985.
6. Excerpt from transcript, Federal-Provincial Conference of First Ministers on Aboriginal Constitutional Matters, (Ottawa), March 16, 1983, p. 226.
7. The estimated numbers come from a press release issued by Indian and Northern Affairs Canada, February 28, 1985.
8. Excerpted from an article in *The Gazette* [Montréal], July 5, 1985.
9. Quote is from Two-Axe Earley's letter to *The Ottawa Citizen*, "Letter of the Day," March 12, 1992.
10. "First C-31 woman honored for rights commitment," *Windspeaker* newspaper, Aboriginal Multi-Media Society of Alberta, Edmonton, Alberta, September 1996 issue.