THE INDIAN ACT: A NORTHERN MANITOBA PERSPECTIVE

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Abstract / Resume

In 1985 the federal government amended the *Indian Act* with Bill C-31. Intended to address some long standing injustices for Canada's Aboriginal people, Bill C-31 was framed in the context of offering equality to Native women and greater autonomy to First Nations. Focussing on northern Manitoba, this paper notes that Bill C-31 has neither met its intended objectives nor adequately dealt with the needs of the Aboriginal population.

En 1985 le gouvernement fédéral a modifié la *Loi Indienne* avec le projet de Loi C-31. Conçu pour rectifier quelques injustices de vieille date faites aux autochtones, le projet de Loi C-31 a été développé dans le but d'offrir de l'égalité aux femmes autochtones et de donner une plus grande autonomie aux nations autochtones. En concentrant sur le nord du Manitoba, l'article constate que le projet de Loi C-31 n'a ni réalisé les objectifs visés ni traité d'une manière satisfaisante les besoins de la population autochtone.

The Canadian Journal of Native Studies XI, 2(1991):295-331.

Introduction

On 28 June 1985 the federal government passed Bill C-31, "An Act to Amend the *Indian Act*." Cited by then Minister of Indian Affairs and Northern Development, the Honourable David Crombie, as a corrective measure which would eliminate "two historic wrongs in Canada's legislation regarding Indian peoples," the bill was intended to address some of the long standing injustices inherent in the federal government's treatment of Canada's Aboriginal people.[1] With specific references to "discriminatory treatment based on sex and the control by government of membership in Indian communities," Bill C-31 was framed in the context of offering equality to Native women and greater autonomy to Canada's First Nations.[2] In its final configuration, the Act sought to ensure "three fundamental principles." These were, first, that all discrimination be removed from the *Indian Act*; second, that Indian Status within the meaning of the *Indian Act* and Band membership rights be restored to persons who lost them, and third, that Indian Bands have the right to control their own Band membership.[3] While the long term success of Bill C-31 in meeting these objectives is still very much an intangible, the short term impact of the legislation suggests that the Bill has not lived up to the Minister's initial expectations. Largely because of the restrictive nature of the reinstatement clause, the continuing discriminatory nature of the *Indian Act*, the rather dubious commitment of funds for the implementation of the *Act*, and the less than adequate educational program initiated by the federal government, Bill C-31 clearly does not address the issues identified by the then Minister of Indian Affairs and Northern Development nor does it meet the needs of the Native population. As argued by Keith Penner, one-time Chairperson of the Standing Committee on Indian Affairs and Northern Development, the amendment did little in terms of changing the federal government's assimilative policy as it is directed at Canada's Aboriginal population.[4]

In designing Bill C-31, the federal government targeted the legislation at what was perceived to be a population of approximately 22,000 individuals.[5] This was, according to the federal government, the number of Native people who had "directly lost Status and band membership as a result of discrimination."[6] When further consideration was given to the number of descendants indirectly effected by the loss of Status, the total affected population was determined to be approximately 50,000 people. Arguing that only 10-20% of the enfranchised population would actually seek reinstatement, Indian and Northern Affairs officials predicted that Bill C-31 would facilitate the reinstatement of anywhere from 7,000 to 14,000 previously enfranchised individuals. In application, the federal government was proven

woefully inaccurate in its estimate. In a report tabled in the House of Commons in December 1990, applications were shown to stand at 138,000 while those actually reinstated since the passage of Bill C-31 numbered 73,000.[7] In Manitoba alone between June of 1985 and May of 1987 there had been 10,135 applications. Of these applicants, 2,594 had been registered and a further 974 had been entered on Band lists.[8] On the basis of this overwhelming response to Bill C-31, it is quite apparent that the federal government had misinterpreted the demand for reinstatement. Also apparent is the fact that the program initiative undertaken by Indian Affairs to co-ordinate the reinstatement process was most inadequate.

Focusing on northern Manitoba or, more specifically, on the fifty-four communities in northern Manitoba that come under the jurisdiction of the *Northern Affairs Act*, a reasonable overview of both the strengths and weaknesses of Bill C-31 can be gleaned. The strengths of the Bill are clearly the three fundamental principles upon which the legislation was based. Although in each case the *Act* has not accomplished its intended purpose, it has nonetheless articulated a well reasoned foundation through which the issues can continue to be addressed. The weaknesses of Bill C-31 are much more poignant. Those that can be directly associated with the application of the legislation include poorly disseminated information, the long and often tedious application process, the overly stringent guidelines concerning Band membership lists, the inadequately funded relocation program, and the question of jurisdictional authority. Other problems more specifically related to northern Manitoba include a general lack of understanding concerning the application of Bill C-31, the creation of further divisions within the Native communities, family breakdown and socioeconomic upheaval such as unemployment, housing shortages and overburdened social programs. In the end, Bill C-31 has not provided the remedial measures necessary to address the problems of the *Indian Act*. It has, in fact, only introduced the notion of remedying years of discrimination and oppression.

Background

Bill C-31 is one in a long line of acts or amendments which have been passed by the Parliament of Canada with the intention of providing for the equitable treatment of Canada's Indigenous peoples. In reality, however, much of the legislation was penned with a view to assimilating the Native population into the White culture. From the mid-nineteenth century when government policy was directed at "civilizing the Indians," to the present day when government activity is often undertaken to eradicate the so-called "Indian problem," federal government policy initiatives traditionally reflect a

seemingly colonial relationship.[9] Even Bill C-31, which according to Chief Bill Traverse, former Chairman of the Brotherhood of Indian Nations, Manitoba, was passed "without any meaningful input from the grassroots level," gives evidence of the strong arm of government.[10] Although the *Indian Act* in its present configuration is a dramatic improvement over its predecessors, it only

> ...begins to bring to an end colonial intrusion into the affairs of the people of the First Nations.[11]

Bill C-31 traces its roots to the *Indian Act* of 1876.[12] At the same time it follows a fairly well defined line of evolution which actually began in the early 1850s. Two specific acts passed by the Province of Canada entitled *An Act for the Better Protection of Lands and Property of Indians in Lower Canada* and *An Act for the Better Protection of Indians in Upper Canada from Imposition and the Property Occupied or Enjoyed by them from Trespass and Injury*, could well be regarded as the first manifestations of the legislative program found within the *Indian Act*.[13] These Bills, both of which received Royal Assent in August, 1850, offered the first legal definitions of the term Indian. The Upper Canada version, comparable to the *Lower Canada Act,* defined Indians as:

> ...all persons of Indian blood, all persons intermarried with any such Indians residing amongst them; all children of mixed marriages residing amongst Indians; persons adopted in infancy by any such Indians.[14]

More pointed from a policy perspective, however, was the *Act to Encourage Civilization of Indian Tribes* of 1857.[15] For the very first time the 1857 legislation provided for the enfranchisement of the Indian population. Cited as the process whereby an individual gave up Status in exchange for certain other rights, enfranchisement became the crux of the federal government's Indian policy. Intended to offer "advancement" to those Natives who had sufficient education or to those who were "capable of managing their own affairs," the enfranchisement alternative was very much of the "civilizing" agenda followed by Canadian legislators. By 1869 the enfranchisement clause had been further refined in the *Act for the Gradual Enfranchisement of Indians and the Better Management of Indian Affairs*.[16] The *Act* not only simplified the voluntary enfranchisement process but it also facilitated the involuntary loss of Status for Indian women who married non-Indian men. The 1869 legislation was also significant for its introduction of municipal styled institutions. Providing for the election of council members, the *Act* further subjected the Native population to government control. The paternalistic attitude of the federal government is well summarized by the 1871

Indian Branch *Annual Report* in which officials, when in describing the benefits of the electoral process, stated that the *Acts*

> ...were designed to lead the Indian people by degrees to mingle with the white race in the ordinary avocations of life...[17]

The *Indian Act* of 1876 was actually little more than the consolidation of previously tabled legislation. Largely a response to the expansion of the Canadian frontier in the post-Confederation era, the *Indian Act* was introduced more for the efficient management of Indian Affairs than for the implementation of innovative policy. Indeed, as argued by Bartlett, the "Act does not contain any substantial changes from previously established legislative policy" (1980:5).

Although there were a series of amendments to the *Indian Act* that were enacted in the period immediately following 1876, most of the revisions simply intensified government control and fostered the further assimilation of Native culture. In 1884, for example, the amendments stated that it was illegal to sell ammunition to Indians, while in 1895 revisions outlawed traditional dances.[18] The attitude all too readily apparent in the legislation was perhaps best summarized by the Assistant Superintendent of Indian Affairs, Duncan Scott, when he indicated that:

> Our object is to continue until there is not a single Indian in Canada that has not been absorbed into the body politics, and there is no Indian question.[19]

Scott's approach to the Indian issue was codified in the 1920 amendments. Entitled *An Act Respecting Indians,* the 1920 legislation stipulated that Native women who lost Status through marriage to a non-Indian, also lost access to Band annuities.[20]

The so-called "civilizing" thrust of the *Indian Act* remained the *status quo* until well after World War II. As was articulated in the *First Report of the Sub-Committee on Indian Women and the Indian Act*, the period "saw no major policy changes or legislation."[21] In 1946, however, the federal government appointed a Joint Committee of the Senate and the House of Commons and charged it with the responsibility to "Continue and Complete the Examination and Consideration of the Indian Act."[22] Its mandate included the general assessment of Indian administration and the more particular investigation of:

1. Treaty rights and obligations
2. Band memberships
3. Capability of Indians to pay taxes
4. Enfranchisement of Indians both voluntarily and involuntarily
5. Eligibility of Indians to vote in Dominion elections

6. The encroachment of white persons in Indian reserves
7. The operation of Indian day and residential schools
8. And any other matter or thing pertaining to the social and economic Status of Indians and their advancement...[23]

Responding to what were perceived to be the needs of the Native population the federal government slowly began to re-assess its Indian policy. On the basis of the Joint Committee's final report which included a variety of briefs and presentations from the Native population, the federal government in 1951 once again amended the *Indian Act*.[24] Although the amendments did not abolish any of the more archaic elements of the *Act,* they did help to establish the contemporary flavour of the federal government's Indian policy. The major revision in this regard was the creation of a central register for Canadian Indians. While on the one hand, government officials accepted as legitimate the individual Band lists as maintained by the Bands, on the other, the 1951 legislation "imposed uniform and strict criteria to all Indian bands in the country."[25] As suggested by Katharine Dunkley the key to the *Indian Act* had, as of the 1951 amendments become

> ...the designation of those persons entitled to be registered (Section 11) and those persons not entitled to be registered (Section 12) (1980:2).

The registration system had in effect created what had become a major division between "status" and "non-status" Indians and further forced the Native population to adhere to government devised rules and regulations for Status designation. The 1951 amendments also introduced the infamous double mother clause. Very much a part of the growing bureaucratization of Indian Affairs, the double mother rule provided that a person whose mother's and father's mother were not born Status Indian, was not entitled to be registered.

The decade of the 1960s witnessed a great deal of federal government activity on the issue of Indian affairs. Responding in large part to the increasingly visible Native element in the population, the federal government reluctantly reconsidered its Indian policy. In 1961 a Second Joint Committee of the Senate and House of Commons was established to evaluate the circumstances of the Indian population. Few changes actually resulted from the Committee's work but recommendations were made that the federal government should provide

> ...more authority and responsibility to Band Councils and individual Indians with a consequent limitation of ministerial authority and control, and that the Indians should be encouraged to

> accept and exercise such authority and responsibility (Bartlett, 1980:7).

Following on the heels of this Joint Committee's report was the submission of the Hawthorn Report. Undertaken to survey the "social, educational and economic situation of the Indians of Canada," the Report's wide ranging recommendations underscored the unique circumstances of the Indian population in the "Canadian community" but offered only token policy objectives to the legislators (*Ibid.*). Finally, in 1969 the federal government's White Paper on Indian Policy re-shaped the whole complexion of Indian affairs. The so-called White Paper was a serious blow to the self-determination of Indian peoples. It in effect rejected much of the progress that had been made on the issue of Indian rights and pushed the *Indian Act* debate, if not to the recesses of the decision making process, at least in the general direction of the provinces.

In the early 1970s, the Indian population rallied against the federal government's White Paper. In a brief entitled the Red Paper, a number of Alberta chiefs viciously attacked the federal government's policy stance. The National Indian Brotherhood during this period became a more vocal proponent of Indian rights and indeed actually became involved in negotiations with the federal government over revisions to the *Indian Act*. It was also during this era that Native women began to articulate their feelings against the discriminatory quality of the *Indian Act*. Not only did Native women make presentations before the Supreme Court of Canada, but in the case of Sandra Lovelace, a brief was also presented to the United Nations. On the one hand therefore, the Native population at large was demanding recognition of their special Status and on the other, Native women were becoming outspoken against the sexual discrimination inherent in the *Indian Act*. On top of the activity of the Native population itself, the 1970s also witnessed a swing in public opinion. In this regard, for example, such organizations as the Advisory Council on the Status of Women, the Canadian Human Rights Commission and the Task Force on Canadian Unity all came out in support of revisions to the *Indian Act*.

The growing sentiment which favoured the amendment of the *Indian Act* finally bore fruit in 1978, when the federal government undertook the preparation of a "Discussion Paper" in an effort to document the circumstances of Indian affairs. This study, which was tabled in June of 1978, offered commentary on everything from education to cultural preservation. Its actual impact was nominal, however, as it quickly fell by the wayside. By the early 1980s the issue was again coming to the fore. Much of the discussion revolved around the proposed *Canadian Charter of Rights and Freedoms* and the question of entrenching constitutional rights for Indian

peoples within the *Charter*. As the debate evolved and as pressure mounted on the federal government to begin amending procedures, the then Minister of Indian Affairs and Northern Development offered a token of conciliation to the Indians. On 24 July 1980, the Honourable John Munroe announced that

> ...where requested by a Band Council, Cabinet would suspend the action of the Act which caused women to lose status by marriage to a non-Indian...and the "double mother" rule...[26]

While the announcement helped to dissipate the immediate crisis, it was obvious that further concessions would have to be made. The Standing Committee on Indian Affairs and Northern Development, which had been created in 1968 as a vehicle for the discussion of Native concerns, became the focal point of the debate. By the summer of 1982, the Standing Committee was specifically charged with the responsibility to

> ...study the provisions of the Indian Act dealing with band membership and Indian status, with a view to recommending how the Act might be amended...[27]

Establishing a Sub-Committee on Indian women and the *Indian Act* as its working group, the Standing Committee undertook an intensive investigation of the issues pertinent to the revision of the *Indian Act*. Sitting from approximately 31 August 1982 to 22 June 1984, the Sub-Committee heard evidence from a wide variety of groups and individuals on the amending process, ranging from the Native Women's Association of Canada through the Assembly of First Nations to the Minister of Indian Affairs and Northern Development. The Sub-Committee was inundated with a vast array of opinions and commentary on proposed changes to the *Indian Act*. The Native Women's Association of Canada, for example, argued that

> ...the issue has never been solidly one of a denial of women's rights, but a denial through sex discrimination of Indian rights to those Indian women who have married a non-Indian...[28]

The Assembly of First Nations, for their part, insisted that

> ...we are not only interested in ending the unjust provisions of Section 12(l)(b), we want all the discriminatory provisions of the Indian act removed.[29]

Finally, the Honourable John Munroe, in summarizing the government position, stated:

> ...Canada is totally committed to respecting human rights. The new Charter of Rights and Freedoms is the latest example of that commitment...Once Section 15(1) has come into force there is a strong likelihood that the provisions of the Indian act

> that discriminate on the basis of sex will be found inappropriate...[30]

Hearing over forty-four such briefs from some twenty-seven groups or associations, the Sub-Committee eventually tabled its report with the Standing Committee. Recommending that the Federal government move quickly to amend the *Act* to end discrimination, that men and women be treated equally, that no Indian lose Status because of marriage, that non-Indian spouses have the right to relocate on Reserves, and, that a program of reinstatement be implemented, the report was then submitted to the Minister.[31]

On 22 June 1984, the Standing Committee on Indian Affairs and Northern Development received an Order of Reference from the House of Commons to report on a proposed Bill, numbered C-47. Entitled *An Act to Amend the Indian Act*, the Bill was described by government officials as having met "two deeply cherished ideas;" the rights of women to be treated equally and the rights of the Band to determine Band membership.[32] Specifically, the legislation was based upon six objectives:

- that no one should lose or gain status or band membership as a result of marriage;
- status and membership should not be determined on the basis of sex;
- no one should lose status or band membership without their consent,
- children of marriages between Indian and non-Indians to one-quarter blood should have status and band membership in the Indian parent's band;
- no one should lose Indian status because of the amendments;
- non-Indian and non-band member spouses or children, should have the right to reside on the reserve with the Indian band members.[33]

Bill C-47, which was quickly rushed through both the Standing Committee and the House of Commons, was eventually rejected in the Senate. Reacting to the growing backlash against the Bill, as well as to the method with which it was forced through the legislative process, the Senate clearly recognized its controversial nature. In what appears to be the most pointed rebuttal of the legislation, Smokey Bruyere, one time President of the Native Council of Canada, argued that Bill C-47 was a "mechanism designed to execute a policy of ethnocide."[34] Claiming that the Bill would replace one set of exclusionary criteria with another, that it would create a new type of non-Status Indian, and that it totally ignored the problems of those Indian people who never had Status, Bruyere summarized much of the animosity that was directed at Bill C-47.

Central to the Bill C-47 debate, and also eventually to the Bill-31 discussions, were the issues of self-government and the question of constitutional rights. Both the self-government issue, which revolved around Bill C-52, and the constitutional question which centred on Section 37 as it pertained to Aboriginal rights and relationships, dramatically impacted upon the amendment process. The proposition that Bill C-47 would allow the federal government the authority to reinstate non-Indians ran entirely against the autonomy sought by the Native population through self-government. Similarly, the idea that Bill C-47 would define Aboriginal identity, was totally opposite to what the Native population was attempting to achieve at the constitutional negotiating tables. In the end then, the defeat of Bill C-47 by-and-large boiled down to a reinstatement versus autonomy debate.

In December of 1984, the Bill C-47 issue reappeared in the federal arena. This time, however, the still undefined legislation was the product of a newly elected government. Spearheaded by then Minister of Indian Affairs and Northern Development, the Honourable David Crombie, the effort was largely undertaken to find "a replacement for Bill C-47". In a presentation given before the Standing Committee on Indian Affairs and Northern development, the Minister outlined the following criteria for the amending process:

> The bill must, in my view obviously deal with the question of discrimination...It must deal with the question of the integrity of Indian communities to determine their own membership.[35]

Although in the preliminary discussions Crombie suggested that he was hoping to bring the new legislation into the House of Commons by the end of January 1985, it was not until 1 March 1985 that the Minister introduced Bill C-31. Arguing that it was his intention to "cure the ills of today," Crombie outlined the principles inherent in Bill C-31:

- The first principle is that discrimination based on sex should be removed from the Indian Act.
- The second principle is that the status under the Indian Act and band membership will be restored to those whose status and band membership were lost as a result of discrimination in the Indian Act.
- The third principle is that no one should be removed from the Indian Act.
- The fourth principle is that persons who have acquired rights should not lose those rights.
- The fifth principle is that Indian First Nations which desire to do so will be able to determine their own membership.[36]

Bill C-31, like its predecessor, was quickly referred to the Standing Committee on Indian Affairs and Northern Development and from 7 March 1985 through to approximately 10 June 1985, the Committee sifted through the various briefs and presentations, all in an effort to prepare a second report for the House of Commons. The evidence presented before the Committee was in many ways similar to the material that had been forth coming in the discussions of Bill C-47. While it would appear that the anxiety created by the amending process had lessened slightly, it was still viewed by many of the participants as a "legislative absurdity."[37] In any event, and by clearly underlying the fact that the Bill was never intended to address the issue of self-govemment, the Conservative government maneuvered the Bill through its various stages. After approximately sixty-seven amendments, the Bill was enacted and on Tuesday, 28 June 1985, Bill C-31 became law, effective retroactively to 17 April 1985.

Through its application Bill C-31 has attempted to remove sexual discrimination from within the workings of the *Indian Act*, by providing for the reinstatement of those women and their children who had lost Status and Band membership; by offering interested Bands the right to determine their own membership, and by eliminating all forms of enfranchisement. The actual focus of the *Act,* however, has remained the Indian Register. Maintained by the Department of Indian Affairs (INAC), the register continues "to serve the purpose of identifying and defining who is an Indian."[38] The amendments introduced by Bill C-31 not only expanded the list of those eligible for Status but, by doing away entirely with the process of enfranchisement, also provided for continuing eligibility. Nonetheless, the onus for registration fell entirely upon those who intended to take advantage of the newly fashioned eligibility criteria.

Separate from the Indian Register and one of the most problematic aspects of the Bill, are the Band Membership Lists. Cited by the INAC publication *Indian Band Membership* as the Band's "base roll," the Band membership lists are maintained either by the federal government or by the Bands themselves.[39] Where Bands have decided to control their own lists, membership rules and regulations are the prerogative of the majority of electors. The membership codes, which are also established by the Bands, usually take into consideration tribal affiliation, ancestry, blood degree and residency. Like the Indian Register, however, application must be made by the interested party in order to expedite the membership process.

The application of Bill C-31 is based upon Status and Band membership criteria. Previously non-Status Indians can, on the basis of Bill C-31, and with certain qualifications, now be included on the Indian Register and receive all the benefits and privileges accorded to a Status Indian. Similarly, those

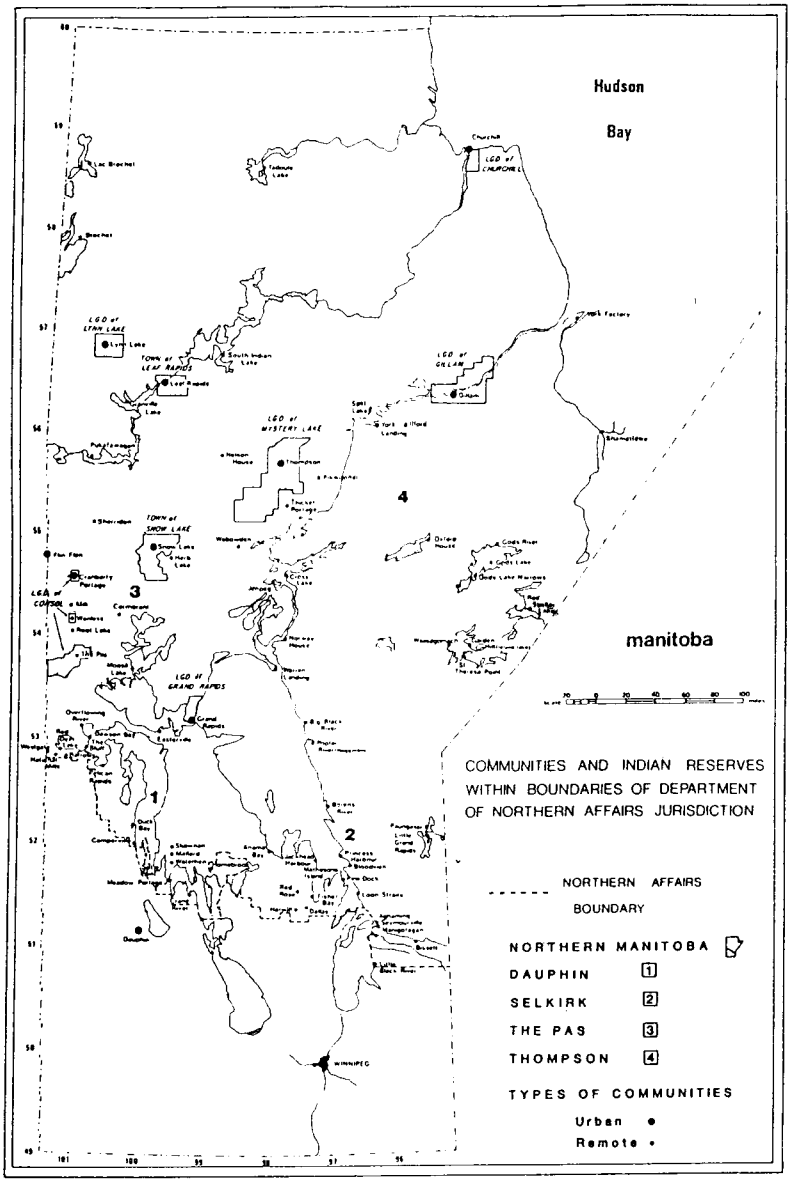
Native people who have qualified as Status Indians, may also apply for Band membership and, upon successfully meeting the Band's requirements, assume all the privileges attached to the same. The questions that remain unanswered, however, concern the application of Bill C-31.

Bill C-31 and Its Impact on Northern Manitoba

Northern Manitoba, or that area defined by the Department of Northern Affair's northern boundary, gives evidence of a variety of settlement types. Ranging from the urban centres of Flin Flon and Thompson to the Reserve communities of Pukatawagan and Shamattawa, the north features everything from resource towns to administrative centres. Very much a part of this settlement pattern are the fifty-four so-called Northern Affairs communities. Stretching from Bissett in the southeast to Westgate in the southwest and then north to Brochet in the west and Ilford in the east, the Northern Affairs communities are speckled across the north. The settlements are generally small in population, relatively isolated in location and mostly dependent upon fishing, hunting, tourism and/or resource production for their economic livelihood. With a reported total population of 10,092 inhabitants, the fifty-four Northern Affairs communities house a fairly large portion of the northern non-urban, off-Reserve population[40] (Map 1).

Although the mean population of the fifty-four communities is approximately 186 inhabitants, the size of the individual community varies considerably. From a population low of six inhabitants at Loon Straits to a high of 845 at South Indian Lake, the majority of settlements house well under 400 residents. In each community the majority of households are "married or common-law with children at home." Well over seventy percent of the households contacted on the Bill C-31 issue include children, with an average household size of approximately 4.5 persons per household.

The Northern Affairs communities also give evidence of a well mixed population base. Almost all the settlements, to one degree or another, are composed of Status and non-Status Indians, White and Métis inhabitants. While both the Status Indian and the White population are usually residents by choice, many of the non-Status Indian and Métis inhabitants, because of the application of the *Indian Act*, have been forced to reside in off-Reserve communities. Denied their rightful place within the Native community, this group has viewed the possibility of reinstatement as offered by Bill C-31 as the opportunity to reclaim their heritage. In this regard, many of the Native population, who previously had been enfranchised, are now seriously considering reinstatement. If the enfranchised population and their descendents thereof do indeed pursue reinstatement as selectively offered by Bill C-31,



Map 1: Location Map Showing Communities and Indian Reserves Within Boundaries of Department of Northern Affairs

Source: Manitoba, Department of Northern Affairs, Northern Affairs Community Reports, 1985.

the ramifications in northern Manitoba will be pervasive. Effecting everything from community infrastructure to transportation routing, the large scale movement of people into Reserve communities could redefine the traditional way of life in the north forever.

It is quite apparent that the majority of the residents of the Northern Affairs communities recognize the potential for major changes in the north *vis-à-vis* the application of Bill C-31. This is perhaps best expressed by the local councils, who for the most part indicated that they had serious concerns about Bill C-31. Slightly over 72 percent of the councils contacted questioned the application of the Bill. The councils' concerns ranged from misinformation on Bill C-31 to the potential for family breakdown. Most importantly, however, council members felt that the information program undertaken by the federal government to explain the intricacies of the legislation was inadequate. Their contention, which seems to be supported by the population at large, is that the true impact of Bill C-31 is very much an intangible, as it is not clear on the basis of the information provided by the federal government who actually benefits from the legislation. In other words, they argue that because northern residents do not clearly understand the application of the Bill, it is not possible for them to make an informed decision concerning the appropriateness of its application. While there may be a dramatic restructuring of the northern communities and their related infrastructures, the magnitude of the change is difficult to gauge, at least until information is provided which would allow residents to make a well-reasoned decision.

Taking into consideration the fact that many northern residents have only a rudimentary understanding of Bill C-31, it is still possible to document both the residents' perceptions of the legislation as well as the Bill's possible impact. In 1988, the Northern Association of Community Councils (NACC) initiated a study in an effort to determine the impact of Bill C-31 on northern Manitoba. Two surveys were constructed, "The Family questionnaire on Bill C-31" and "The Council questionnaire on Bill C-31," and administered throughout northern Manitoba by representatives of NACC (Institute of Urban Studies, 1988). The survey response rate was exceptionally good (Table 1). Forty-four Northern Affairs communities were surveyed, with anywhere from a low of two households contacted to a high of one hundred and eleven in each individual community. Slightly over 83% of all Northern Affairs communities were thus surveyed, returning 810 family surveys and 31 council surveys.

In terms of application for reinstatement or Band membership, the two surveys provide a valuable accounting of the Bill's impact.[41] From the council surveys it can be determined that nine of the councils, or 31% of

Table 1: Survey Results Showing Communities Surveyed, Population, Total Number of Households, Total Number Households Surveyed, Percentage of Households Surveyed and Councils Surveyed

Community	Population	Total Number of Households	Total Number of Households Surveyed #	%	Councils Surveyed
Aghaming	19	8	8	100	Y
Baden	106		18		Y
Barrows	176	49	24	48	N
Berens River	195	45	27	60	Y
Big Black River	43	7	2	28	Y
Bissett	146	82	7	8	N
Bloodvein	73	17			
Brochet	315	48	22	45	Y
Camperville	692	157	54	34	Y
Cormorant	482	85	26	30	Y
Crane River	328	81	11	13	N
Cross Lake	581	110	53	48	Y
Dallas/Red Rose	102	38	11	28	Y
Dauphin River	48	13	6	46	Y
Dawson Bay	43	14	3	21	Y
Duck Bay	669	142	50	35	Y
Easterville	230	44	14	31	Y
Fisher Bay	55	10	7	70	Y
God's Lake Narrows	112	26	7	26	Y
Granville Lake	77	14			
Harwell	37	9	3	33	N
Herb Lake Landing	7	8	2	25	Y
Homebrook	49	18	5	27	Y
Ilford	190	35	15	42	Y
Little Grand Rapids	26	13	8	61	Y
Loon Straits	6	4			
Mallard	204	48	13	27	Y
Manigotogan	230	64	26	40	N
Matheson Island	150	40	17	42	N
Meadow Portage	145	47	6	12	N
Moose Lake	580	103	26	25	Y

continued...

Community	Population	Total Number of Households	Total Number of Households Surveyed #	%	Councils Surveyed
National Mills	46	11	8	72	Y
Nelson House	108	15	10	66	N
Norway House	723	196	111	56	N
Oxford House	49	7			
Pelican Rapids	219	49	24	48	Y
Pikwitonei	210	42	15	35	Y
Pine Dock	98	25	13	52	Y
Poplar River	51	7	11	157	Y
Powell	17		3		N
Princess Harbour	23	10			
Red Deer Lake	55	11	6	54	Y
Red Sucker Lake	54	8			
Salt Point	26	8	3	37	N
Seymourville	125	23	21	91	N
Sherridon	173	42			
South Indian Lake	845	123	50	40	Y
St. Theresa Point	11	11	2	18	
Stevenson Island	86	32	10	31	Y
Thicket Portage	198	41	13	31	Y
Wabowden	660	165	32	19	Y
Warren's Landing	9				
Waterhen	171	55	5	9	N
West Gate	19	8	4	50	N

reporting councils surveyed, have no councillors whatsoever eligible for Status under the Bill C-31 guidelines. The remaining 22 councils, or 65% of the total, have anywhere from 1 to 6 councillors eligible for Status. While the majority of councils do indeed have members eligible for Status, it would appear that relatively few are considering applying to regain Status. Thirty-nine percent of the councils surveyed reported that none of their members will be applying. Seven of the councils, or 25% of the sample, indicated that one member will be applying for Status, 3 councils each reported that 2, 3 or 4 members will be making application, and 1 council suggested that 5 members will be seeking Status under Bill C-31. In the end, of the reporting

councillors, 39% of the 135 are eligible for Status and 73% of those, or 28% of the total, are planning to apply for Status.

A community by community breakdown of the councillors' intentions clearly demonstrates from which communities the greatest number of applications will be forthcoming. Cross Lake and Big Black River are the only two communities that showed a total commitment on the part of the local council to the reinstatement issue. In descending order, the two communities are followed by Ilford and God's Lake Narrows with 80% of councillors seeking Status, Thicket Portage, Moose Lake, Brochet and Berens River with 60%, Pikwitonei with 50%, Pelican Rapids with 40%, all the way down to communities such as Wabowden and Herb Lake Landing where no councillors are applying for Status. While the figures suggest that certain councils show a favourable response to the reinstatement issue, for the most part, according to their responses, the individuals making application for Status designation have no intention of applying for Band membership or of relocating to Reserve land. Nonetheless, the local impact on a community where a large percentage of the council opts for reinstatement, could conceivably range from the polarization of governing sentiment within the community to the eventual loss of community leaders.

The household response to the question of Status eligibility and/or the intention to make application for the same, shows a more dramatic response to the reinstatement issue. In approximately 35% of the reporting communities, the percentage of all person households eligible for Status under Bill C-31 guidelines exceeded 50% of the respondents. Ranging from a high of 100% of the respondents in Big Black River and Herb Lake Landing to Dauphin River (Anama Bay) where 50% of the respondents indicated that they were eligible for Status, the fifty percent plus communities are distributed evenly across the Northern Affairs district (Table 2). While these figures do not show the exact number of individuals eligible for Status, they do indicate that a fairly high percentage of those who responded to the survey in the fifty percent plus communities are eligible. To use, for example the Ilford case, the ramifications of the findings become somewhat clearer. In Ilford there are 35 households, of which 10, or 66.7% of the 15 surveyed indicated that all members therein are eligible for Status. Although this does not demonstrate how many individuals are actually eligible for Status, it does show that there is a relatively high percentage of households in Ilford where all persons are eligible for Status.

At the other end of the scale there are twenty communities or approximately 44% of the sample, which reported less than 25% of all person households eligible (Table 3). Ranging from a high of 100% of the respondents in communities such as Red Deer Lake, Powell, Harwell, Salt Point or

Table 2: Communities Where the All Person Households Eligible for Status Exceeds 50% of the Total Respondents

	All Person Households Eligible for Status %	All Person Households Not Eligible for Status %
Big Black River	100.	
Herb Lake Landing	100.	
Easterville	75.	25.
Poplar River	72.7	27.3
Mallard	71.4	28.6
Ilford	66.7	33.3
God's Lake Narrows	66.7	33.3
Meadow Portage	66.7	33.3
South Indian Lake	66.7	25.6
Cross Lake	66.	34.
Pelican Rapids	62.5	33.3
Moose Lake	60.	40.
Thicket Portage	53.3	46.2
Pikwitonei	53.3	46.7
Waterhen	50.	50.
Dauphin River	50.	50.

Homebrook, to a low of 75% in Westgate, these communities appear to have the lowest percentage of residents eligible for Status.

The actual number of individuals eligible for Status is partially gleaned from the survey question, "How many people in your household are eligible for Status under Bill C-31?" Only 5 of the 45 surveyed communities responded with what could be considered an exceptionally low number of households. In the communities of Powell, Homebrook and Salt Point all of the respondents indicated that there were no members of their household eligible for Status. The community of Aghaming demonstrated a similar response rate with over 80% of those surveyed reporting that zero members of their household were eligible for Status. Those communities which showed a large percentage of persons per household eligible for Status are far more numerous. The community with the highest percentage of persons

Table 3: Communities Where the all Person Households Eligible for Status are Less Than 25% of the Total Respondents

	All Person Households Not Eligible for Status %	All Person Households Eligible for Status %
Red Deer Lake	100.	
Powell	100.	
Harwell	100.	
Salt Point	100.	
Homebrook	100.	
Barrows	95.8	4.2
Dallas-Red Rose	90.9	9.1
Baden	88.9	11.1
Nelson House	88.9	11.1
National Mills	87.5	12.5
Bissett	85.6	14.3
Fisher Bay	85.7	14.3
Matheson Island	82.4	17.6
Seymourville	81.	19.
Aghaming	80.	20.
Camperville	77.8	18.5
Stevenson Island	77.8	22.2
Pine Dock	76.9	7.7
Manigotogan	75.	25.
Westgate	75.	25.

per household eligible for Status is Cross Lake. Roughly 97% of the households surveyed in Cross Lake had anywhere from 2 members to 9 members reported as eligible for Status. Following Cross Lake there are a number of communities with over 75% of the reporting households claiming that at least one household member is eligible for Status (Table 4). For those households reporting a large percentage of occupants eligible for Status, the majority of cases cite 3 or fewer members. In some communities, however, households with four or more eligible members are the norm. In Cross Lake, for example, households reporting 4 or more eligible members makeup approximately 60% of the household sample (Table 5).

Table 4: Communities with Over 75% of the Reporting Population Showing One or More Members Eligible for Status (%)

Cross Lake	97
Easterville	93
South Indian Lake	92
Pelican Rapids	87
Norway House	87
Moose Lake	84
Stevenson Island	83
Brochet	83
Berens River	81
Ilford	79
Matheson Island	79
Thicket Portage	77
Waterhen	75

Table 5: Communities with Over 50% of the Reporting Population Showing Four or More Members Eligible for Status (%)

Big Black River	100
Moose Lake	72
Dallas-Red Rose	71
Easterville	69
Harwell	68
Dauphin River	67
Dawson Bay	67
Cross Lake	60
Poplar River	60
Crane River	60
South Indian Lake	55
Mallard	50
Brochet	50
Waterhen	50

Table 6: Communities with Over 50% of the Reporting Population Indicating That They Intend to Apply for Status (%)

Poplar River	100
Big Black River	100
Cross Lake	89
Mallard	86
Nelson House	78
Dallas-Red Rose	75
Thicket Portage	69
Ilford	68
Fisher Bay	68
South Indian Lake	66
Easterville	65
Moose Lake	64
God's Lake Narrows	60
Pelican Rapids	58
Pikwitonei	57
Berens River	56
Cormorant	52
Waterhen	50
Dauphin River	50
Harwell	50
Meadow Portage	50

The percentage of individuals per community planning to apply for Status showed a most positive response to the reinstatement issue. Out of the 45 surveyed communities, 22 or 48% of the total number indicated that over 50% of the respondents intended to apply for Status (Table 6). Beyond the percentages, the actual number of applicants is more difficult to gauge. Seventeen of the surveyed communities showed that over 50% of the respondents have no one from their household applying for Status. From communities such as Herb Lake Landing, National Mills, Westgate, Powell, Homebrook and Salt Point, where 100% of the households surveyed reported that no household member would be seeking Status, to communities such as Manigotogan, Baden, Harwell and Waterhen where 50% indicate that no one is seeking Status, the response to the issue varies considerably from community to community (Table 7). While 37% of the communities surveyed reported that over 50% of the responding households show few if

Table 7: Communities With Over 50% of the Reporting Population Indicating That No Household Member is Applying for Status (%)

Herb Lake Landing	100
National Mills	100
Westgate	100
Powell	100
Homebrook	100
Salt Point	100
Aghaming	83
Bissett	80
Red Deer Lake	64
Barrows	62
Seymourville	59
Duck Bay	59
Camperville	56
Manigotogan	50
Baden	50
Harwell	50
Waterhen	50

Table 8: Communities With Over 75% or More of the Reporting Households Indicating One or More Member Applying for Status (%)

Mallard	92
Cross Lake	91
Nelson House	89
South Indian Lake	89
Dauphin River	80
Moose Lake	79
Thicket Portage	77

any household members applying for Status, only 17% of the communities reported over 75% of the responding households with one or more Status applicants. The most active community in this regard appears to be Mallard, where 92% of the reporting households indicated one or more members applying for Status. The next most active community is Cross Lake with roughly 91% of the reporting households showing one or more members (Table 8). In the majority of these communities the number of household members per household intending to apply for Status averaged around 3 individuals. In some cases, however, such as Nelson House, Moose Lake, Mallard, South Indian Lake and Dauphin River (Anama Bay), a significant portion of those households seeking Status is larger than the average size.

Like the Status question, Band membership applications give a fairly good reading of the acceptance of Bill C-31. In 17, or 37% of the surveyed communities, well over 50% of the reporting households indicated that they are applying for Band membership. From Popular River, where 100% of the respondents indicated that they would be applying for Band membership, to Cross Lake where the percentage was 72%, through to Norway House at 52%, certain communities appear to be more responsive to the Band membership issue than others (Table 9). At the other end of the scale or

Table 9: Communities With Over 50% of the Reporting Households Indicating Their Intention to Apply for Band Membership (%)

Poplar River	100
Big Black River	100
God's Lake Narrows	100
Mallard	85
Dallas-Red Rose	78
Cross Lake	72
Thicket Portage	69
South Indian Lake	68
Harwell	67
Easterville	65
Moose Lake	64
Nelson House	62
Pelican Rapids	60
Ilford	60
Meadow Portage	60
Fisher Bay	60
Norway House	52

Table 10: Communities With Over 75% of the Reporting Population Indicating That No Household Member is Applying for Band Membership (%)

Herb Lake Landing	100
Aghaming	100
Bissett	100
National Mills	100
Red Deer Lake	100
West Gate	100
Powell	100
Homebrook	100
Salt Point	100
Waterhen	100
Camperville	87
Barrows	75

those communities with 75% or more of the reporting households indicating that they have no intention of applying for Band memberships, a sample of 12 communities can be identified (Table 10).

The actual number of households or household members seeking Band membership varies considerably from community to community. While in some communities, such as Herb Lake Landing, all of the households surveyed reported zero members applying for Band membership, in others – such as Mallard – there was a fairly significant proportion of household members applying for Band membership. In any event, 24 of 45 surveyed communities, or 53% of the total sample, indicated that 50% or more of the reporting households had no members seeking Band membership (Table 11). Although it is quite apparent that in the majority of communities most households have few if any members applying for Band membership, in 17% of the communities surveyed, some 75% of the households claimed that one or more member will indeed be applying for membership. Ranging from Mallard, where 92% of the reporting households indicated that one or more member will be seeking Band membership, to Cross Lake, where 78% of the reporting households indicated the same, there is a positive response in many communities (Table 12). The average number of members per household applying for membership is approximately 3, although there are several communities where multimember households are intending to apply for Band membership. Perhaps the best examples of this phenomenon are

Table 11: Communities With Over 50% of the Reporting Population Indicating That No Household Member is Applying for Band Membership (%)

Herb Lake Landing	100
Aghaming	100
National Mills	100
Westgate	100
Powell	100
Homebrook	100
Salt Point	100
Waterhen	100
Camperville	83
Dauphin River	75
Crane River	71
Seymourville	71
Cormorant	68
Wabowden	68
Barrows	67
Bissett	67
Duck Bay	67
Pine Duck	62
Manigotogan	62
Pikwitonei	61
Red Deer Lake	60
Matheson Island	58
Stevenson Island	50
Little Grand Rapids	50

South Indian Lake, where 68% of the respondents reported that 4 or more members of their household would be applying for Band membership, Ilford where the figure was 57%, and Cross Lake at 56%.

The number of individuals actually planning to relocate as a result of newly acquired Band memberships is small. Indeed, only 11 communities reported that more than 25% of the surveyed population was interested in relocation (Table 13). Twenty-six communities cited twenty-eight different destinations for those responding to the survey. With over 125 respondents indicating a destination for relocation, the community of Norway House

Table 12: Communities With Over 75% of the Reporting Population Indicating That One or More Member is Applying for Band Membership (%)

Mallard	92
Nelson House	86
South Indian Lake	82
Fisher Bay	80
Dallas-Red Rose	80
Moose Lake	79
Easterville	79
Cross Lake	78

Table 13: Communities With Over 25% of the Reporting Population Indicating That They Are Planning to Relocate to Reserve Property (%)

Big Black River	100
Pelican Rapids	61
Moose Lake	56
Poplar River	50
Easterville	47
Ilford	43
Norway House	40
Harwell	33
Nelson House	33
Waterhen	33
Mallard	29

showed the greatest number of committed individuals. Thirty-six Norway House respondents maintained that they would relocate to the Norway House Indian Reserve, 2 indicated the God's Lake Indian Reserve and 1 each identified the Shamattawa and Oxford House Indian Reserves. Moose Lake followed Norway House in terms of the number of households indicating a planned move with 11, then came Easterville with 8, Brochet with 7 all the way down to Pelican Rapids, Camperville, Duck Bay, Berens River, Stevenson Island, Fisher Bay, Dauphin River (Anama Bay) and Waterhen, showing one household each committed to relocation (Table 14).

While the number of individuals relocating to Reserve land is in some cases fairly significant, a second possibility in terms of the accommodation of the reinstated population exists which could see the creation of new Reserves. Although the Department of Indian and Northern Affairs maintains that this is a highly unlikely option, roughly 39% of the councils surveyed voiced some support for the new Reserve alternative. Particularly evident in the communities of Red Deer Lake, Pelican Rapids, Camperville and Mallard, the favourable response to the creation of new Reserves is strongest in the Lake Winnipegosis area.

The two most obvious groups affected by the possibility of relocation are children and seniors. In both cases the relocation of large numbers of individuals would require the dramatic reorientation of programs, and services. Whether in terms of educational facilities or senior's housing, the relocation of these two specific groups would force all levels of government to retool both policies and programs. In any event, and based on survey results, it would appear as though the relocation of seniors to Reserve land is only a factor in isolated cases, while children moving are more of a factor throughout the region. This would suggest that many of the services already in place on-Reserve for older adults could be sufficient to meet the needs created by Bill C-31, while children's programs may require some upgrading.

The response rate to the question of senior relocation was relatively low. Only 27 of the 44 communities returned any commentary whatsoever, and of the 60% that did report on seniors' activity, 48% indicated that no seniors would be moving. Hence in only 13 communities, or 18% of the survey sample, was senior relocation an issue. Even here, however, only four communities – Easterville, Duck Bay, Meadow Portage and Fisher Bay – reported that more than 50% of the households considering relocation included seniors. In Easterville, 71% of the reporting households indicated that seniors would be involved in the relocation program, while in Duck Bay 57% of the respondents indicated the same. In both Meadow Portage and Fisher Bay, one household reported 2 members who were seniors contem-

Table 14: Communities Showing Probable Destination of the Respondents Who Indicated That They Are Planning to Relocate to Reserve Land

Community	Destination	Number of Respondents	Total Respondents
Norway House			
	Norway House I.R.	36	
	God's Lake I.R.	2	
	Shamattawa I.R.	1	
	Oxford House I.R.	1	
			40
Moose Lake			
	Moose Lake I.R.	8	
	The Pas I.R.	3	
			11
Easterville			
	Chemawawin I.R.	7	
	Grand Rapids I.R.	1	
			8
Brochet			
	Barrens Lands I.R.	7	
			7
Ilford	Split Lake I.R.	2	
	War Lake I.R.	2	
	York Landing I.R.	2	
			6
Wabowden			
	Cross Lake I.R.	5	
	Barrens Lands I.R.	1	
			6
Seymourville			
	Hollow Water I.R.	3	
	Little Black River I.R.	1	
	Bloodvein I.R.	1	
			5
Poplar River			
	Poplar River I.R.	5	
			5
Nelson House			
	Nelson House I.R.	5	
			5
Cross Lake			
	Cross Lake I.R.	5	
			5
Mallard			
	Hollow Water I.R.	4	
			4
Thicket Portage			
	York Landing I.R.	1	
	Pike Lake I.R.	1	
	Cross Lake I.R.	1	
			3

continued...

	Destination	of Respondents	of Respondents
Manigotogan			
	Hollow Water I.R.	2	
			2
Cormorant	Hollow Water I.R.	1	
	Split Lake I.R.	1	
			2
Little Grand Rapids			
	Little Grand Rapids I.R.	2	
			2
Dallas-Red Rose			
	Fisher River I.R.	2	
			2
Harwell			
	Peguis I.R.	2	
			2
Pelican Rapids			
	Shoal River I.R.	1	
			1
Big Black River			
	Poplar River I.R.	2	
			2
Camperville			
	Pine Creek I.R.	1	
			1
Duck Bay			
	Pine Creek I.R.	1	
			1
Berens River			
	Berens River I.R.	1	
			1
Stevenson Island			
	Pelican Rapids I.R.	1	
			1
Fisher Bay			
	Peguis I.R.	1	
			1
Dauphin River			
	Dauphin I.R.	1	
			1

plating the move to Reserve property. In most cases where the respondents indicated senior activity, it was usually only 1 or 2 members of a household. In the case of Easterville, however, 42% of the respondents indicated that 2-5 members of their household were seniors considering the relocation to Reserve property.

In terms of children relocating to Reserve land, the results are much more substantial. Twenty-three of the 44 reporting communities, or 51% of the total number indicated that 50% of the households considering reloca-

Table 15: Communities With Over 50% of the Reporting Households Indicating That One or More Child Will be Relocating to Reserve Land (%)

Moose Lake	100
Bissett	100
Thicket Portage	100
Easterville	100
God's Lake Narrows	100
Dallas-Red River	100
Harwell	100
Fisher Bay	100
Dauphin River	100
Big Black River	100
Brochet	100
Nelson House	100
Cross Lake	100
Berens River	86
Norway House	81
Cormorant	80
Seymourville	80
Manigotogan	75
Wabowden	71
Pelican Rapids	69
Camperville	67
Mallard	60

tion include one or more child (Table 15). The largest percentage of households reporting children involved in the relocation process reported 1 or 2 children. In Thicket Portage, for example, 67% of the reporting households indicated that one child would be relocating, while 33% claimed that two children would be involved in the move. In other communities, however, the per household number of children relocating is more significant. In 15 of the 23 reporting communities, or 65% of the total, the number of 3 or more children households relocating is a significant factor (Table 16).

Important as well in the discussion of the application of the Bill are the perceived advantages and/or disadvantages of the legislation. In terms of land-use, trapping, resources, recreational opportunities, housing, annual

Table 16: Communities With Over 25% of the Reporting Households Indicating That Three or More Children will be Relocating to Reserve Land (%)

Nelson House	100
God's Lake Narrows	100
Brochet	87
Berens River	57
Manigotogan	50
Big Black River	50
Moose Lake	50
Seymourville	40
Norway House	39
Pelican Rapids	38
Cross Lake	33
Wabowden	29
Duck Bay	29
Poplar River	25

incomes and lifestyle, respondents for the most part felt that Bill C-31 would have some impact on the northern community. More specifically, health-care, educational opportunities, tax benefits, hunting privileges, access to personal care homes and the protection of culture were described as the advantages of the legislation while family breakdown, unemployment, housing shortages and the increasing dependency upon government services were cited as the disadvantages of Bill C-31.

The impact of Bill C-31 on land and land-use was an area of concern across the north. Although land-use patterns will seemingly be directly affected by the relocation of individuals to Reserve land, because of the uncertainty surrounding the relocation program the total impact is still very much an intangible. Perhaps because of this uncertainty, community councils offered a variety of responses when asked about the impact of Bill C-31 on land-use. Fifty percent indicated that it would have little or no impact, 28% claimed it would have some impact and 22% admitted that they were uncertain. In communities such as Red Deer Lake, Camperville and Baden, all council members felt that there would be some adjustment to land-use as a result of the legislation. The areas identified where the Bill would have some impact included changing priorities for land allocation, which was

seen to favour the reinstated population, the infringement of Reserve land on non-Reserve land, and the possibility that traditional pursuits, such as trapping or hunting, will be curtailed by Reserve expansion. For the most part the sentiment expressed over land-use adjustment focused on land-use conflict; Reserve land-use *vs.* non-Reserve land-use.

Those council members who felt that Bill C-31 would impact upon trapping are even less numerous than those cited on the land-use issue. Only 14% of the respondents maintained that the Bill would impact upon trapping. Those that did respond in the affirmative identified issues such as the loss of trap land as the result of Reserve expansion, and many expressed concern over the possible reallocation of traplines. Of some interest in the discussion of the impact of the Bill upon traplines is the regional quality of the responses. It would appear – at least based upon survey returns – that the communities located in the area defined by Northern Affairs as the Dauphin region, foresee a greater Bill C-31 impact on trapping than communities located in either of the other three Northern Affairs regions (Selkirk, The Pas and Thompson).

In an effort to determine whether or not the legislation will affect the delivery of community programs, services and/or funding as well as other local undertakings, council members were asked to gauge the impact of the Bill upon resources. Roughly 21% of the respondents indicated that the Bill would have some impact upon resources; those that did answer in the affirmative suggested that uncontrolled hunting privileges, increased financial assistance for Bill C-31 recipients, and the expanded authority given to the reinstated population to oversee resource-use and program implementation, would all be factors in the northern community.

Recreational opportunities were for the most part viewed as a non-issue, although 18% of the respondents felt that the legislation would indeed impact on recreational opportunities. In communities such as South Indian Lake, Ilford and Camperville there was some concern expressed by local councils that recreational opportunities would change as a result of the application of Bill C-31. Again, perceived as a Reserve *vs.* non-Reserve issue, council members in the reporting communities predicted that the reinstated population's demands for funding and program initiatives might force the reorientation of recreational services towards Reserve communities.

The major impact of the Bill was determined to be in the area of housing. Over 39% of the respondents indicated that either housing or housing related services would be affected by the legislation. Of those surveyed, the majority were of the opinion that successful Bill C-31 applicants would benefit from improved housing. This assessment, it seems, was based upon the assumption that the reinstated population would access federal govern-

ment on-Reserve housing programs. In addition, and in a more negative way, the respondents also noted possible problems with continued funding for non-Status housing projects, the shifting responsibility for the provision of housing programs, and increased vacancy rates as a result of Bill C-31 relocations.

The issue of annual incomes is an interesting one. Although comments were received suggesting that for many, unemployment would be the end result of Bill C-31, it appears as though the tax benefits received by the reinstated population will be the major factor affecting annual incomes. Nonetheless, roughly 35% of the councils surveyed indicated that the Bill would have either a negative or a positive impact on income. This would occur in a negative sense through the possible loss of income if residents relocated, and in a positive sense through the aforementioned tax benefits.

Finally, in terms of lifestyle, 25% of the respondents felt that there would be some change as a result of the legislation. In general the respondents argued that because the reinstated population would be eligible for expanded hunting and trapping privileges, their lifestyle would change accordingly. This of course was viewed as a positive aspect of the Bill – at least for the reinstated population – as increased hunting and trapping privileges would imply greater activity and, in the end, possibly greater income and opportunity. In a negative sense, however, many council members noted the possibility of growing disparity between the Status and non-Status populations and further, the detrimental affect this could have on the lifestyle of the non-Status group.

Conclusion

In a general sense, it is quite apparent that Bill C-31 has neither adequately interpreted the needs of the Native population nor provided an appropriate framework for program implementation. The already overwhelming response to the reinstatement issue has become an unmanageably high percentage of the local population. Both in terms of reinstatement and Band membership, the impact of Bill C-31 on the north is all inclusive. It will be felt in policy development, program delivery, local government, housing, education, social services, hunting and trapping and even in transportation. What is required in order to deal adequately with the needs of the Native community is a serious re-assessment of the Bill's impact and the articulation of a more practical program of implementation. At the same time, however, it must be made abundantly clear that the target group is but one aspect of the Bill C-31 conundrum. The various impacts of the Bill could conceivably include the depopulation of established communities, the ex-

tension of Reserve property to include established communities, the relocation of housing units from established communities to Reserve land and the development of a complete new northern infrastructure, that is, transportation routes, government structures and local economy. In the end, Bill C-31 has only begun to deal with the issues associated with reinstatement.

The survey findings clearly underscore the potential impact of the legislation upon northern Manitoba. The results indicate that 76% of the surveyed population is eligible for Status, that 43% are planning to apply for Status, that 80% of those applying for Status are also planning to apply for Band membership and that 25% of those are planning to relocate to Reserve property. Although senior citizens are not a particularly significant element of the relocating population, children are. Eighty-one percent of the households responding to the issue of child relocation did so in the affirmative.

The major advantages of the Bill as described by survey respondents include medical care, tax benefits, housing and education. The disadvantages were noted as housing shortages, family breakdown, inadequate funding for program implementation and unemployment. While there are undoubtedly both advantages and disadvantages associated with the Bill's application, the overall perception of the legislative effort is one of uncertainty.

In terms of the impact of the Bill and in conjunction with the specific concerns of housing, annual income, lifestyles, resources, recreation, trapping and land-use, it would appear as though the survey respondents had mixed reactions as to the affect of Bill C-31. Housing, for example, was identified as the area upon which the Bill would probably have the most significant impact. The affects, however, were both negative and positive as the respondents suggested that housing conditions could improve for those relocating to Reserve land, but for the communities from which they relocated, housing vacancies, increased tax burdens and the termination of services would have a negative impact upon residents.

From the community perspective, it is apparent that there are certain communities in northern Manitoba upon which the impact of Bill C-31 will be most pronounced. Whether at Cross Lake or Easterville, much of this impact is site specific. In other words, while these communities will all encounter similar experiences, they will undoubtedly do so differently. At Cross Lake, for example, concerns have been expressed over the extension of Reserve land to encompass the established community. At Easterville, the possibility exists that housing stock may eventually be relocated to Reserve land. Both of these responses to Bill C-31 are site specific. While similar situations may occur elsewhere, they are issues that have to be dealt with within the community setting.

A final issue of interest within the Bill C-31 conundrum, and one that is readily apparent through the survey returns, is the question of responsible authority. Bill C-31 for all intents and purposes has helped to create a program and/or service void into which an increasingly large number of First Peoples have fallen. Through the application of Bill C-31, the federal government has attempted to off-load Aboriginal programs while the provincial government has for the most part refused to expand or upgrade its delivery of the same. When the Aboriginal community reclaims its rightful place within society, these responsibilities would be well accepted by First Peoples, but in the interim the Bill C-31 population continues to struggle with the on-going oppression so very characteristic of the *Indian Act*.

Notes

1. Canada, *House of Common's Debates*, 33-34 Eliz. II, Vol. II, 1985, p. 2644.
2. *Ibid.*
3. Canada, Indian and Northern Affairs Canada, *Changes to the Indian Act*, Ottawa, 1985, n.p.
4. Canada, House of Commons, *Minutes of Proceedings and Evidence of the Standing Committee on Indian Affairs and Northern Development,* Issue No. 12, March 7, 1985, p. 12:12.
5. *Ibid.*, p. 12:8.
6. *Ibid.*
7. As cited in the *Winnipeg Free Press*, 20 December, 1990.
8. Canada, Indian and Northern Affairs Canada, *Report to Parliament, Implementation of the 1985 Changes to the Indian Act,* 1987, pp. B-7 - B-8.
9. See Bartlett, 1980: 2 and Canada, *Minutes of Proceedings and Evidence of the Standing Committee on Indian Affairs and Northern Development,* Issue No. 18, March 19, 1985, p. 18:17.
10. Canada, *Standing Committee on Indian Affairs and Northern Development,* Issue No. 13, March 12, 1985, p. 13:45.
11. *Ibid.*, Issue No. 16, March 14, 1985, p. 16:5.
12. Canada, *Canada Statutes*, 39 Vic. C. 18, 1976.
13. Province of Canada, *Statutes*, C. 42 and C. 74, 1850.

14. As cited in Canada, *Standing Committee on Indian Affairs and Northern Development,* Issue No. 58, September 20, 1982, p. 58:8.
15. Province of Canada, *Statutes*, C. 26, 1857.
16. Canada, *Canada Statutes*, 33 Vic. C. 6, 1869.
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31. *Ibid.*, Issue No. 17, March 18, 1985, 17:9.
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37. Canada, *Standing Committee on Indian Affairs and Northern Development*, Issue No. 18, March 19, 1985, p. 18:51.
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39. *Ibid.*, p. 9.
40. The population figures were compiled from the *Northern Affairs Community Reports* of 1985.
41. The statistical analysis that follows is based upon the survey results as returned by NACC representatives and the manipulation of the same by the author as a Research Fellow at the Institute of Urban Studies, University of Winnipeg.

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