



Aboriginal Women And Partnerships

An Issue Paper

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The concept of partnership applies to a number of situations from the personal, interactive dimensions of individual, family and community relationships, to contractual arrangements such as employment, and through to corporate and governmental arrangements that are based on convention and/or may be highly formalized in sometimes complex and lengthy legal agreements, such as memoranda of understanding or treaties. While naturally these relationships involve both men and women, the interactions between men, male-dominated organizations and governments with women and/or women's organizations have largely tended to reflect the predominant, default Canadian dynamic of perceived male authority and superiority.

The resulting lack of respect for and subjugation of women has had widespread harmful effects for women, their children and their families.¹ For Aboriginal women, these effects have been most pronounced in the 130+ years since first implementation of the *Indian Act* and its discriminatory provisions toward women,² as well as the extended era of residential schooling, among others.

While the NWAC, the duly mandated representative of Aboriginal women in this country, and our many members across the country, have made significant inroads over the last 33 years to facilitate positive change to these dynamics and circumstances, much still remains to be done – by men and women and their organizations, internally and in external partnerships – in order for Aboriginal women's equitable inclusion and outcomes to fully take place.

There are, fortunately, a number of examples which provide good models or show promise for real partnership, and which foster outcomes so that Aboriginal women can take rightful equal place in and benefit from them. More like them need to be developed and we offer recommendations to help achieve our goals in partnership, after briefly reviewing circumstances and attitudes that need changing and to evolve further for Aboriginal women to be equal and included partners in a number of ways and areas.

A Legacy of Outdated Thinking and Circumstances

In the days before colonization, women in most Aboriginal societies were not treated differently from men and enjoyed equal status and involvement in the community's affairs. In some First Nations, women were in fact important decision makers. In spite of this, the band governing structure imposed by the *Indian Act* meant that the elected Chiefs and Councils throughout most of the late 19th and most of the 20th century were only men. While that situation has changed, a lot of discrimination continues to exist and

¹ Many of these effects are documented in the NWAC's other issue papers prepared for the National Aboriginal Women's Summit, as well as in our other position papers generally; for example, for more detail, see our papers prepared for the Canada-Aboriginal Peoples Roundtable Sectoral Sessions; online: <http://www.aboriginalroundtable.ca>.

² For comprehensive background and information on the implementation and effects of the *Indian Act's* discriminatory provisions, the Report of the Royal Commission on Aboriginal Peoples provides an especially thorough treatment (Volume 4: Perspectives and Realities); online: http://www.ainc-inac.gc.ca/ch/rcap/sg/cg_e.html.

women are still not equal partners with men. For example, women chiefs are still only a small portion of the more than 600 elected First Nation chiefs and there has yet to be a female National Chief of the Assembly of First Nations.

In 1985's amendment to the *Indian Act* (Bill C-31), many women who had lost their Indian status became eligible to regain it, and many did so. However, the amendment still limited whether and how these women's children and grandchildren, and their children, would keep or be eligible for Indian status.

What's more, instances in which women who had regained status were blocked from returning to live on a reserve were common, or they found that the ongoing shortage of housing simply made it impossible to rejoin their community. Excluding anyone not living on a reserve from voting in band council elections meant that large numbers of women who wanted to be partners in decision making in their communities were still marginalized by them. Later, a court decision³ resulted in bands having to include non-resident members in their voting lists, but it is still a problem that women may have status, but can be excluded from membership in a First Nation because the *Indian Act* gives authority over membership lists to band councils.⁴

The effects of loss of status in the past, treatment since, and the likelihood of further discrimination for more generations to come means that many Aboriginal women do not feel welcomed or at home in their own reserve communities, even in 2007. They experience barriers to becoming involved, too often because of the way that many Aboriginal men – in keeping with their training and habits formed during colonization – discount women. Also, the experience of violence against us, a lack of effective ways to deal with marriage breakdown that give women and their children a way to stay on reserves (lack of legal protection for matrimonial real property and exclusive possession of the matrimonial home), continue to contribute to women not being full partners in community, governance, and business level relationships.

Working for Women's Rights and Toward Partnerships

The NWAC has over 30 years of experience working on behalf of Aboriginal women in Canada and bringing important issues to the attention of law and policy makers as well as other Aboriginal organizations. Over the years, we have continued to speak out for being included and accommodated in Aboriginal and non-Aboriginal situations. We champion Aboriginal women's, their children's and families' rights, interests, and needs.

³ In *Corbiere v. Canada* (Minister of Indian and Northern Affairs), [1999] 2 S.C.R. 203, the Supreme Court of Canada found s. 77 of the *Indian Act* which identified band members who are "ordinarily resident" on the reserve as eligible to vote for chief and band council members, unconstitutional. Though the wording in the *Indian Act* has not been changed by Parliament, changes were made to its associated regulations, which means members ordinarily reside off a reserve are now eligible to vote in band elections.

⁴ Section 10 (1) of the *Indian Act* (R.S., 1985, c. I-5) says: "A band may assume control of its own membership if it establishes membership rules for itself in writing in accordance with this section and if, after the band has given appropriate notice of its intention to assume control of its own membership, a majority of the electors of the band gives its consent to the band's control of its own membership."

The NWAC fought for official recognition as a representative national Aboriginal organization during the constitutional talks by Canada, the provinces, territories and Aboriginal leaders and organizations during the 1980s and early 1990s. The Supreme Court of Canada specifically recognized that our concern about representation of Aboriginal women's interests was valid.

Despite being one of the five nationally recognized representative organizations, in early attempts to partner with the AFN, we experienced bias and women being left out in favour of the men who occupied senior political and official level positions. Also, women who attempted within the AFN structure to have women's voices included were often ignored. In fact, it is only since 2004 that the AFN's Women's Council has officially been recognized and granted a place at the table, included in the general assemblies and executive, and it has just begun to visibly influence AFN programs and policy making to include what they have defined as a "gender balanced analysis."⁵

Another barrier which has frequently been a problem for Aboriginal women to participate in a meaningful way is that certain issues have been labelled as women's issues. What the NWAC learned very well along the way, is that even though we look at issues first off from a women's perspective, and applying a gender-based analysis is key to our approach, other people and organizations plus governments have tended to label those things which affect us most, as "women's issues" – something which often is not at all helpful. It has, in fact, often meant that we were further "put into a box" which made us separate and different from everyone else and often more easy to again ignore in favour of the default, louder voices of men in political and official positions.

Aboriginal societies have long been more holistic in their philosophies and approaches than Euro-Canadian traditions which came to Canada with the colonists. Since patriarchy was both imposed through the prevailing colonial government ways, and learned and entrenched by most Aboriginal men through that example and the rules that came with the *Indian Act*, the usual balance in Aboriginal ways was upset. The "box" concept applied and treated issues in isolation.

As we work toward betterment of the unfavourable conditions in which Aboriginal women have found themselves as a legacy of these many circumstances, we were heard early on to speak to how integrated and inter-related things are. While this is beginning in the 21st century to be seen in the prevailing Canadian ways of government, it has not in the past been normal. Integration and breaking down the fences between subject matters is slowly taking hold – again for Aboriginal, as well as now for non-Aboriginal peoples – and is one of our central messages in all our work.

This means that it is no longer sufficient that, for example, governments assign a particular department or agency such as Canada Mortgage and Housing Corporation (CMHC) to "solve" affordable housing problems. It is necessary that at the same time,

⁵ See the May 2007 AFN Policy Forum/Special Chiefs Assembly presentation entitled, "AFN Women's Council Gender-Balanced Analysis," online: <http://www.afn.ca/article.asp?id=133> (Accessed, June 15, 2007).

issues relating to how to pay for housing, such as poverty and employment (and thus availability and affordability of childcare) and community security through policing, are also looked at, among other things. An integrated approach will, we know, work better at arriving at real solutions which work in the long term.

It would be odd and uncommon to hear that respect is not a basic part of any partnership approach to solving social and economic problems. However, what is not yet common and must be built on, especially in light of Aboriginal women's demonstrated disadvantages, are agreements which begin with the full consultation and involvement of Aboriginal women, before decision making and putting them into effect takes place. It is necessary that agreements spell out relationship protocols, including measures to ensure gender equitable outcomes. They should also identify a nation-to-nation basis for contracts and agreements which do not leave Aboriginal people, especially women, in an at-risk position for not benefiting or being taken advantage of.

Successful Working Partnership Examples

National Aboriginal Women's Summit, 2007 (NAWS)

The event for which this paper has been prepared provides an excellent example of cooperative, inclusive partnership with Aboriginal women. The NWAC president is co-chair of NAWS and the NWAC has been a full partner in planning the Summit, together with participation of the Congress of Aboriginal Peoples, Women of the Métis Nation (MNC), Pauktuutit Inuit Women of Canada, AFN Women's Council, Inuit Tapiriit Kanatami, National Association of Friendship Centres, and the National Aboriginal Circle Against Family Violence. The Government of Newfoundland & Labrador, Indian and Northern Affairs Canada, and Status of Women Canada are the federal and provincial parties to this partnership.

The purpose of NAWS is to forge partnerships between Aboriginal leaders, Aboriginal women, and governments, to work together to stop violence against Aboriginal women. The event's main theme, "Strong Women, Strong Communities," includes related topics grouped as:

- (1) Health, safety and wellness;
- (2) Equality and empowerment; and
- (3) Strength, balance and honour.

The NWAC has developed numerous issue papers for the Summit (including this one), with the input and feedback of our membership who participated in the preparatory process through community engagement. The issues we have identified and the information we have contributed and will contribute at the event will be incorporated with that of our other Summit partners to identify indicators and benchmarks to be included in a strategic ten-year action plan.

While the outcomes and follow-up to the NAWs remain to be seen at and after the event, to date we have experienced this as a very positive, respectful and inclusive partnership that we can cite as a best practice.

Ontario Aboriginal Healing and Wellness Strategy (AHWS)

In 1990, Aboriginal organizations in Ontario and several Ontario provincial government ministries began designing the Aboriginal Healing and Wellness Strategy (AHWS) “to combat the alarming conditions of poor health and family violence that Aboriginal People in Ontario have endured.”⁶ Following several years of extensive consultation and planning activities, in 1994, the Strategy’s policies and programming began to be implemented.

This partnership is highly successful in pursuing its mandate, which is governed by a consensus joint management model, with representatives from 15 First Nations and other Aboriginal provincial organizations plus the Ministries of Community and Social Services, Health and Long-Term Care, as well as the Ontario Native Affairs Secretariat and the Ontario Women’s Directorate. The Ontario Native Women’s Association is one of the Aboriginal women’s organizations that is integrally involved in the AHWS.

The Strategy presently funds 18 programs falling within four initiative areas:

1. Specific allocations, such as for community wellness and crisis intervention workers;
2. Specialized projects, such as healing lodges and treatment centres, maternal and child centres, and shelters;
3. Other programs, such as professional development and training funding for Strategy workers; and,
4. Aboriginal Health Babies/Healthy Children Program.

The Strategy’s approach and underlying principles are tailored to and relevant for Aboriginal people in Ontario:

Community needs and types of services and programs are expressed in an eight-phase continuum of care known as the Healing Continuum. Designed from the Traditional Medicine Wheel, it also addresses all age groups identified in the traditional teachings of the Life Cycle. These concepts are intrinsically wholistic and comprehensive and as such,

⁶ Aboriginal Healing and Wellness Strategy, “About AHWS,” online: http://www.ahwsontario.ca/about/about_top.html (Accessed June 16, 2007).

constitute a culturally appropriate alternative to the way "mainstream" services are typically designed and delivered.⁷

This example is one which has a significant track record with 13 years in operation. It demonstrates well the possibilities for partnership when the parties involved are committed to the same principles and goals, and implementation is holistic, respectful, and inclusive.

What is Needed to Support and Promote Partnerships?

Aboriginal women have identified ideas and best practices which will assist in including Aboriginal women in meaningful and equitable ways, to increase our participation in various types of social, economic, governance and other partnership opportunities and arrangements. Our recommendations include:

1. Bring in the NWAC and our Provincial/Territorial Member Associations in local, regional and national partnership initiatives as appropriate, given our respective mandates and geographical locations, as well as our stakeholder constituencies and areas;
2. Ensure that inclusion of representative Aboriginal women's organizations takes place at the outset of partnership policy and program initiative conception and planning affecting Aboriginal women, whether sponsored by Aboriginal or non-Aboriginal, governmental and non-governmental parties, or a combination of these and other types of prospective partners, *and*, that stable, sufficient funding for NWAC and its Provincial/Territorial Member Associations (PTMAs) is included to support our equitable participation;
3. Focus on improving meaningful partnership participation of Aboriginal women at all levels: policy research and analysis/design, program design, and evaluation;
4. Identify common challenges, barriers, potential solutions, best practices and other information and means which further develop organizational capacity for Aboriginal women's participation in partnership initiatives, as well as collective partnership expertise and benefits;
5. Understand that partnering with Aboriginal women, similarly to in the larger Aboriginal and non-Aboriginal contexts, will often involve hearing and respecting a diversity of viewpoints and traditions;
6. Promote consensus-based governance frameworks within partnership agreements and initiatives;

⁷ *Ibid*, "About AHWS: How does AHWS reflect Aboriginal Culture?" online: <http://www.ahwsontario.ca/about/reflectingaboriginalculture.html>.

7. Include a culturally relevant gender-based analysis as a core component of each and every partnership initiative and agreement;
8. Especially ensure engagement of Aboriginal women in both the development, governance and delivery of partnerships which address women-specific health and healing; and,
9. Ensure partnership planning and implementation includes the specific and varying needs of not only Aboriginal women, but youth and elders, and those dealing with disabilities.