Multiculturalism at Stake – The Indian Act in Canada

Aishani Das and Rohit Bhattacharya[1]

Abstract

This paper attempts at reviewing specific clauses of a statute – the Indian Act of 1985, operational in Canada, to understand the real nature and intent of the prescribed law, to chart its impacts and to deduce whether the same has undermined multiculturalism and values of social pluralism, in Canada.

The methodology employed in this paper involves interpretation of secondary data. It integrates legislative interpretation with non-doctrinal research. It uses data from books, journals and legal texts to interpret the legislation in question; then uses comparative data to enlist statutes which carry forward the same intent, simultaneously controlling the possible harms. Finally, there has been an attempt at tracking its outcome to map the harms done to the multicultural social setting of Canada. The link between this statute and its effect in plummeting multicultural values has been established by meticulously reviewing the aforesaid legislation to realize the degradation it has caused in the life of Canadian Aboriginals.

The literature used in the research of the provided theme comes from data published by official reports of the Canadian Government and works of political theorists with regard to the same, with citations having been provided wherever felt necessary.

The paper concludes by establishing a positive link between the two chosen variables – the enforcement of the Indian Act, 1985 and the decline of multiculturalism in Canada which undermines the social realities of the lives of Aboriginals. Right from denying land-related rights, to banning rituals of the culture-spirited 'Indians' and seeking to establish their incompetency, this 'paternalizing' legislation remains culture-bias and ethnically penalizes the Aboriginals of Canada.

[1] Hidayatullah National Law University, Raipur

MAIN TEXT –

Being a part of colonial Britain, Canada shares its history of imperialism and socio-cultural influences over subjugated colonies. With the onset of the 1850s, the British colonial Government attempted to erase native identities with enactment of legislations such as the 'Civilization of Indian Tribes Act', 1857 by 'bribing' them to relinquish their land, language and culture in return of being 'enfranchised' and being given full citizenship rights. Similarly, Canada's experience with the First Nations Peoples, Metis and Inuits since the 1860s continues till the present and has led to the evolution of a 'mixed breed' type of culture which involves varied trade networks, spiritual beliefs and social hierarchies. It is a different issue that this entity of population is put under the deprecated term of 'Indians'.

As per the 2011 Canadian census[2], Aboriginal peoples in Canada totalled 1,400,685 people; 4.3% of the national population, spread over 600 recognized First Nation bands and governments, with distinctive cultures, languages, art, and music. The Royal Commission on Aboriginal Peoples was set up by the Canadian State in 1991 to review the nature of lifestyle of the aboriginals.

Contextualizing historically, Canada, since its first wave of migrant inflow, during the early 1900s, saw a vast 'Indian' population from farming backgrounds, seeking to gain employment and higher returns from agriculture and forestry. Land, being their primary source of economic livelihood, the State and its agents have attempted at taking over jurisdiction and authority of such lands, and regulating the socio-economic lives of the Aboriginals.

[2] National Household Survey, *Statistics Canada*, Government of Canada

With the objective of ensuring greater flow of more productive migrant populations satisfying the demand-supply proportionality in Canadian markets, and, at the same time, ensuring that this population does not overthrow native Canadians, the Government is attempting to regulate the economic activity of these people, using stricter, congregational legislations.

An instance of such a legislation is the 'Indian Act'[3], which was first introduced in 1876 and then amended several times and now is known as the Indian Act, 1985.

Writers, such as Canadian Will Kymlicka argue on how Canada has successfully preserved the diversity of its population by allowing multiple ethnic groups to co-exist harmoniously and permitting them to practice their respective cultural practices. In the pretext of this so-called multiculturalist setting, statutes, such as the Indian Act have undermined the ethnic vibrancy of Canada and denied the target population of their rightful claims on land and resource-sharing.

The Act is founded on concepts of paternalism and spoon-feeding – an inherent belief in the mind of the 'developed' that the Aboriginals are incapable of resource management and self-governance. When first introduced in 1876 and later followed up with 'amendments' till 1985, the legislation, in its truest sense and application has remained the same and has incorporated no real change. With the view of 'civilizing, protecting and assimilating' the Aboriginals, the premise of this federal legislation is indeed paternalistic and self-seeking, intended on preparing the 'uncivilized' for a 'transition' to a more developed core of the Canadian society. The Indian Act was, and is, a powerful tool in the hands of the federal Government, giving federal civil servants the authority to manage band[4] affairs, supervise indigenous lands and trust funds, direct the personal and family lives of individual Aboriginal

[3] Indian Act (1985 as amended) (Can.)

[4] As per Section 2(1) of the Act- "band" means a body of Indians (a) for whose use and benefit in common, lands, the legal title to which is vested in Her Majesty, have been set apart before, on or after September 4, 1951, (b) for whose use and benefit in common, moneys are held by Her Majesty, or (c) declared by the Governor in Council to be a band for the purposes of this Act.

people, and deny basic Canadian civil and personal rights to thousands of "wards" of the State.[5]

Most fundamentally, this legislation aims at controlling land usage of Indians in Canada – from their occupational claim over it, to loans and trading which involve Indians, transactions which are based on property and the 'manner' in which legal wills can be made by Indians and 'who' exactly can they bequeath the aforesaid property to.

The Act congregationalizes "status Indians" in 'bands', wherein an 'Indian' needs to earn the status of being one in the first place to become a part of such a council or band.

Section 2(1) of the Act defines,

"*band*" *means a body of Indians*

(a) for whose use and benefit in common, lands, the legal title to which is vested in Her Majesty, have been set apart before, on or after September 4, 1951[6]

Also, the element of segregating, shepherding and paternalizing becomes even more evident with Section 3 of the Act which reads;

This Act shall be administered by the Minister, who shall be the superintendent general of Indian affairs.

Propelling the same authority, officials of the 'Indian Affairs and Northern Development' exercise powers and functions to govern issues which pertain to Indians in Canada. This supreme body reserves exclusive jurisdiction in deciding all matters relating to the socio-economic lifestyle of aboriginals in Canada.

Section 5 of the Act, under the head of 'Indian Register' reads;

There shall be maintained in the Department an Indian Register in which shall be recorded the name of every person who is entitled to be registered as an Indian under this Act.

[5] John L. Tobias, Protection, Civilization and Assimilation, An Outline History Of Canada's Indian Policy at 23-28 (1991).
[6] Indian Act (1985 as amended) (Can.)

It clearly stipulates that to gain the status of an Indian, the person requires certain 'entitlements', so much so that women who marry 'non-status' men would immediately lose their own statuses.

Section 14, titled 'Protests' duly assigns the Canadian Registrar with absolute powers of deciding whether protests, with regard to the inclusion or exclusion of a name in the 'Indian Register' are valid or not. Undermining judicial supremacy in the same context, it allows the Registrar to "use his discretion" in receiving any sort of evidence, "whether or not admissible in court". His decision is final and conclusive.

Under the heading 'Registrar to cause Investigation', clauses (5) and (6) of Section 14 read as;

Where a protest is made to the Registrar under this section, the Registrar shall cause an investigation to be made into the matter and render a decision.

For the purposes of this section, the Registrar may receive such evidence on oath, on affidavit or in any other manner, whether or not admissible in a court of law, as the Registrar, in his discretion, sees fit or deems just.

One of the most criticized aspects of the Indian Act is how it denies the ownership of land in reserves to its rightful owners. Section 20 clearly stipulates that any land, if at all, needs to be moved to the possession of an 'Indian', it must be only after the approval of the Minister. Under clause (4) of Section 20, titled 'Temporary Possession', the Minister, "using his discretion" can withhold allotment of possession of land to an 'Indian', in spite of the Council/Band having approved of the same. Pursuing the same, the Minister can prescribe terms of land usage and settlement, in order to determine allotment.

As argued by Council/Band members and several Aboriginal Councils, legislative aspects such as these destroy the 'fiduciary trust' that band members have entrusted in the Crown and denies them authority of decision-making over their lands and resources, thereby reducing autonomy.

Similarly, even with respect to 'Lands taken for Public Purposes', under Section 35 (1) states that an owner's land may be taken away at any point in time, "without his consent." Clause (4) goes onto stipulating that the payment, which can be "any amount given or agreed upon", in return may be given to the "Receiver General" (finance officer of a band, working on behalf of the Crown) "for the use and benefit of the band" or the owner.

Marginal note of Section 45 though explicitly states that 'Indians may make wills', however, its real nature ensures that the testator has no real right to ensure that his will gets implemented, upon his death. The final say of the Minister, even in this regard, is worded in Section 45(3) which reads;

No will executed by an Indian is of any legal force or effect as a disposition of property until the Minister has approved the will or a court has granted probate thereof pursuant to this Act.

The vague, ambiguous and unjustified wording of this section ensure that a will may get voided on several grounds, such as, "the testator lacked testamentary capacity", "terms of the will would lead to hardship for whom the testator had a responsibility to provide" and "terms of the will are against public policy."

Wills and testaments are instruments of property and wealth distribution, reflective of the testator's wish. However, the legislation ensures that no 'real will' gets enforced at the end of the day. The wording of Section 46 (2) proves that the State attaches no capacitative value to a testator's will, as, in case it gets voided, the testator "will be deemed to have died intestate".

Section 51, titled 'Mentally Incompetent Indians' is one of the most regressive aspects of the Indian Act. It reads;

Subject to this section, all jurisdiction and authority in relation to the property of mentally incompetent Indians is vested exclusively in the Minister.

This 'exclusivity' allows for the Minister to appoint agents to administer estates of the mentally ill and allows for their property to be "sold, leased, mortgaged, disposed off or otherwise dealt with" to pay off the person's debts and "expenses for his future benefits and

maintenance." The Minister can make any such orders, which he deems fit, to "secure satisfactory management" of such an estate.

There are instances of other legislations, such as the Federal Disability Discrimination Act (1992) of Australia and the one in the United Kingdom, enacted in 1995. Both these legislations extend wide-ranging powers to those with mental illnesses and incapacities to govern facets of their own lives – such as in work, accommodation, and their land usage. As for the United States of America, its states, such as Kansas and Georgetown, in their respective laws reflect the belief that the a person with a mental illness must continue to possess civil and property rights, since his legal sense persists and can even be assisted by a legal heir/representative[7].

From 1884, the federal legislation also took over the cultural life of 'status Indians', whereby ceremonies such as the Sun Dance[8] and Potlatch[9] were banned.

The Sun Dance, which involved ceremonial piercing of bodies and fasting, was seen to be 'primitive' by Canadian authorities. Similarly, the Potlatch is a tradition which involves one giving up his earnings and possessions, in exchange for honour and respect from the entire tribe. Again, this was seen as a mark of "laziness and instability' in the lives of the indigenous population and were against the ideals of a "Christian capitalist society."

Section 32, under the marginal note 'Sale or barter of produce', makes it an offence, under Section 33, the "sale, barter, exchange or otherwise disposing off" of reserve products.

Section 93 of the Act, titled 'Removal of Materials from Reserve' disallows band members from removing clay, gravel, shrubs, timber, hay etc. However, these materials are considered essential in ceremonial practices where they are used in feasting, trading of possessions etc.

The passage of the American Indian Religious Freedom Act (AIRFA) in 1978 is an instance of growing cultural respect for indigenous cultural practices and regard for Aboriginal

[7] Lawrence O. Gostin, Human Rights of Persons with Mental Disabilities, 63 MD. L. Rev. 20-121 (2004).
[8] Sun Dance is a religious ceremony using the traditional drum and sacred fire, practiced by tribes of native America and is not open for public view.
[9] The Potlatch is a gift-giving feast practiced by indigenous tribes, where gifts are exchanged in return of honour and respect.

rights. It gave American Indians, Eskimos, Aleuts and Hawaiians the rights to access to sacred sites, freedom to ceremonial worshipping and possession of sacred objects. It also acknowledged the prior violation of such rights.

Section 114 (1) of the Indian Act under the title of 'Schools' reads,

The Governor in Council may authorize the Minister, in accordance with this Act, to enter into agreements on behalf of Her Majesty for the education in accordance with this Act of Indian children, with

*(*a*) the government of a province;*

*(*b*) the Commissioner of Yukon;*

*(*c*) the Commissioner of the Northwest Territories;*

*(*c.1*) the Commissioner of Nunavut;*

*(*d*) a public or separate school board; and*

*(*e*) a religious or charitable organization.*

A matter such as education was also 'entrusted' in the hands of the Minister and the Aboriginals had no say in where their children should study. This 'entrustment' saw serious damage in the 1930s and lasted well till the 1997, when the last of the federally-operated 'Indian residential schools' was shut down. These schools operate as a network of boarding schools for the Aboriginals, administered by the Church to impart the 'much-needed' Western education to the 'backward and uncivilized' Aboriginals. The death of over 4,000 Aboriginal children stands witness to the saga of oppression and abuse which hallmarked these schools.[10] The fact that even today, according to this Act, the issue of education remains in charge of a federal officer and not the family of an Aboriginal child is indicative of the little learning that has been derived of a regretful, troublesome past.

For the Aboriginals, their lives as a close-knit community, embedded in harmonious co-existence, promoting values of sharing and peacefulness, which was destroyed by these

[10] Truth and Reconciliation Commission of Canada: Interim Report, IR4-3/1-2012 (2012).

residential schools which removed children from their families at early ages and at times, enfranchised them forcibly. It was seen as an attempt of taking these children away from their native culture and their homeland, an attempt at changing their very identity and forcing them to be a part of a mainstream 'modern' Canadian population. Cultural markers of the Aboriginals, such as their language were attacked by depriving the children from learning them. Aboriginal students were subjected to sexual abuse, physical oppression and forced sterilization – all expressions of how the Canadians were superior and were capable of exercising strength on the weak. The establishing of the Indian Residential Schools Truth and Reconciliation Commission and public apologies by Prime Minister Stephen Harper (2008) and other political leaders prove the shameful oppression that the Aboriginals have been put through.

Children, suffering such extreme forms of oppression and discrimination have turned out to be psychologically impaired and disturbed; the findings of the Indian Residential Schools Truth and Reconciliation Commission have reported extreme depression, separation anxiety disorder and post-traumatic stress disorder (PTSD) in these children. Personality disorder issues have been traced to almost 8% of such children who have criminal offences in their track records, as per the reports of the Commission. Drug and alcohol abuse is common to most of these children.

The Aboriginals, with their belief in a shared history and mutuality in relationships term this saga of oppression as the "collective soul wound" – which bears its ground not only in physical hurt but also in difficulty in overcoming the effects of such a past. Children, and their families suffer from PTSD and what is now called the Residential School Syndrome (RSS). Both these psychological impairments are characterized by violent waves of flashbacks of intrusive memories, nightmares, recurring thoughts and social awkwardness. Victims also face difficulty in anger management.

Psychologists often club such syndromes collectively under events of 'historical trauma'. It is a form of trans-generational trauma which involves a cumulative psychological wound, whose occurrence and effect remains so deep-seated that it leaves behind scars which last

exceeding the individual's lifespan.[11] Similar to the trans-generational effects of the Bhopal Gas Tragedy[12] of 1984, the Aboriginals have still not overcome the effects of such oppression which still breeds as a fear psychosis in their minds.

As observed by Bhikhu Parekh, an Indian political theorist, such an attitude is based on a belief that cultures present a lifestyle basis for humans and we are strongly embedded in it. Every culture offers a different view on the visions and meaning of a 'good life'. All cultures are varied in their identities and understandings; some of them are internally pluralistic too[13]. Plus, since human beings have a certain degree of adherence to their respective cultures and are socialized to navigate their lives in ways as proposed by it, it needs to be ensured that even if physical environments change, cultural faiths and belief systems remain available and consistent.

Canada was one of the earliest countries in the world which attempted at incorporating a multiculturalist attitude in legislation-making and governance, in general. Having had a history closely associated with colonization, Aboriginal presence and residence, and immigration, the Canadian State understood the necessity to make the polity more culture-friendly and accommodative of pluralistic beliefs and lifestyle ways. The Canadian state realized that the multifaceted nature of their social fabric could be maintained only by securing the rights and privileges of all ethno-cultural groups.

With respect to citizenship granted to Aboriginals, Iris Marion Young, former Professor at University of Chicago, in her book "Justice and the Politics of Difference", inaugurates the conception of differentiated citizenship. According to Young, the presence of varied cultural settings and different histories, experiences and perceptions of social relations requires recognition of special needs for each of these groups. Special rights need to be extended to each of these groups, so that their needs can be handled by providing for special remedies. Hence, providing the scope for differentiated citizenship and acknowledging

[11] Maria Yellow Horse Brave Heart, The historical trauma response among natives and its relationship to substance abuse: A Lakota Illustration, Journal of Psychoactive Drugs 36(1) Part 1, 7-13 (2009).
[12] The incident was related a to gas leak from a pesticide plant which caused partial and permanently disabling injuries and more than 8,000 deaths, widely regarded as the world's most serious industrial disaster.
[13] Bhikhu Parekh, What is Multiculturalism (1999), india-seminar.com

heterogeneity in the population can reinforce values of nationalism and pave way for politics of accommodation.

In the 1990s, with the coming in of the Charlottetown Accord, there was emphasis on a three-layer system of citizenship and federalism, one which recognized the three founding peoples of Canada – Quebec, the rest of Canada (ROC) and Aboriginal, but these set of amendments were defeated.[14] However, the problem arises when the Aboriginals are seen as 'a nation' in themselves because of such a form of citizenship. The boundaries of Aboriginal land and habitation is unclear, contested and widely spread across Canada, with distinct cultures and varied political organization; leading to different relations of each with the Canadian State and multiplicity in their constitutional ambitions.

However, as observed by Kymlicka, the recognition of such "differentiation" within the political community can prove detrimental at the same time as it divides the population into 'peoples' with their separate identities, rights, demands and recognitions. In the context of demands for self-governance, this poses an even greater problem since it further fuels the ambitions and demands; it can shape up into violent secessionist movements and increase dissent towards the State, if the demands are left unfulfilled.

Many a times, granting citizenship is not enough. In spite of being granted 'special status', being recognized as 'status Indians' and franchise being granted, even if as late as 1961, the Aboriginals still live in isolation, with a sense of having been marginalized. As argued by Parekh, giving citizenship rights is only the first step to integration; what is more necessary is increasing a sense of belongingness, which is currently lacking[15]. It is of pivotal importance for 'Structurally disadvantaged' groups, such as the Aboriginal community, which lack the skill and/or confidence to participate in mainstream decision-making, that society and the Government be sensitive and responsive to their demands and act, using positive affirmative programmes to help overcome their 'disabilities'. To ensure a wide-encompassing sense of justice, differentiated group rights, culturally-flexible application of laws and State-support for minority institutions is the need of the hour.

Ethnic minorities such as the Aboriginals in Canada, have not only faced the heat in terms of being penalized for their ethnicity and being denied the same status of 'primary citizens' as

[14] Doug Kane, Aboriginal Citizenship in Transition, in School Of Policy Studies In Queen's University, 25-29 (2000).
[15] Bhikhu Parekh, Rethinking Multiculturalism: Cultural Diversity And Political Theory (2002).

the mainstream Canadians but have also been subjected to discrimination which is rooted in racism[16].

Considering the Aboriginal economy at the same time, there are vital differences in the economic performance and standard of living of the Aboriginals and the non-Aboriginals. Data in this regard reflects on how, on parameters such as poverty, unemployment rate and per-capita income, the performance of the Aboriginal community is abysmal. In 2005, the average per-capita income of this population was $23,888, which is just about two-thirds of what is earned by the non-Aboriginals. Schooling and University completion amongst the Aboriginals is poor; their access to clean drinking water is on the fall and statistics show how their dwellings are seemingly overcrowded. Almost 15% of the Aboriginal population is unemployed and returns from land are constantly plummeting[17].

The denial of 'Canadian colonialism' is strengthened further when such legislations come under the scanner. The Indian Act, in specific and the general attitude of the Canadian State toward the lives of the Aboriginals essentially denotes neo-colonization, in its present-day forms. Economic and cultural overhauling of the Aboriginal community in Canada is denying them of the physical landscape that they have historically occupied, their traditional professions and the demands of their cultures.

With regard to the Aboriginals, the State owes no possessive value attached to private property they might own. It is well established that the ownership of property and the authority over it are essential legal rights, rooted in individualism and liberalism. What the Aboriginals are expectant of is not a 'carte blanche' system but a reasonable right over their lands, whose produce they rightfully own.

Authority figures and fountain heads of 'colonial' authority, such as Minister, Governor in Council and Receiver General, who 'possess the rationality to make informed decisions' but are *de facto* agents of the State, have taken the lives of the Aboriginals in their own hands. Issues of land management, education and cultural engagement are no more under the scope of their private lives.

[16] Will Kymlicka, The Current State of Multiculturalism in Canada and Research Themes on Canadian Multiculturalism, Department of Citizenship and Immigration (2010).
[17] The Aboriginal Economic Benchmarking Report, The National Aboriginal Economic Development Board, (June 2012).

Aboriginals are believed to be incapable of self-governance. The primitivity, incoherence and 'disability' attached to the tag of being an 'Aboriginal' or 'Indian' makes the indigenous seem incapable of self-governance and dependent on the State, as its 'ward', for being taken care of.

Preservation of their indigenous ethnicity and the age-old culture of each of their heritage groups is one of the survival pillars' of the Aboriginals, anywhere in the world. Their scepticism towards modernization and integration with 'mainstream' Canadian population is justified as this will dilute their indigenous culture.

Federal legislations, such as the Indian Act endow economic and socio-cultural disadvantages on ethnic minorities, such as the Aboriginals, and this concept is known as 'ethnic penalty'. It is in situations such as this that a group's ethnicity is put at stake and they are looked down upon. Much like in Britain, where the unemployment rates of the black African men is almost twice as much as that of the whites; this form of 'exclusionary discrimination' which the Aboriginals are subjected to downplays their performance.

Studies by behavioural psychologists prove how imposing ethnic penalties on groups affects social relationships and destroys social trust; it also leads to seclusion and enhances risk of depression, suicide etc.

A two-way cultural loss is underway, which is being ignored. Canada's general attitude of being welcoming of cultures is being degraded by legislations such as the Indian Act. Increasing resentment amongst the Aboriginals and the unveiling of a history of oppression is continuing till present in the form of sub-standard conditions of living and increasing violence towards the 'Indians'. As recently as December 2011, in Attawakispat, a First Nation land in northern Ontario, the department of Aboriginal Affairs and Northern Development (AAND), in response to a humanitarian crisis of acute housing problem, lack of a sewerage system and absence of healthcare faculties, imposed the 'Third Party Management' (TPM) clause. In other words, the powers related to the reserve's programs, services and financial management and decision-making has been taken away from the

Aboriginals. The Government insinuated the crisis to have existed because of "financial mismanagement by the band council.[18]"

This signifies a two-way cultural loss. For the Aboriginals, it means a depletion of their heritage as their traditional lands are being taken away and their age-old cultural practices and rituals are being banned. However, what must not be ignored is the setback this is causing to Canada's 'cultural mosaic', or what is more commonly known as the 'salad bowl' concept of culture. This concept recognizes the simultaneous co-existence of multiple cultures in a region and like the distinct components of a salad, which do not mix or integrate with each other *per se*, but individually contribute to the flavour and taste of the salad, such a cultural setting ensures that even if the cultures do not inter-mingle with one another, they retain their qualities and co-exist peacefully. The 'cultural attack' on the lives of the Aboriginals and the evident bias in the State's outlook towards them is undermining this form of multiculturalist social setting, which Canada is believed to have.

The most paradoxical of all phenomenon being observed with respect to this legislation and the consequential fall of multiculturalism is how the group of Aboriginals, who, initially were seeking greater recognition and labelling as an entity are now wanting, is the removal of the same; what Kymlicka terms the "politics of de-recognition[19]." They wish to remove the concept of reserves.

The Aboriginals had thought that the legal registering and 'protection' being given to the reserves and tracts of land owned by the 'Indian bands' by their official enlistment would increase their autonomy and make them self-sufficient and independent. However, reality shaped out to be otherwise. The formation of reserves divided territorial lands which had remained together for years; communities separated out and hunting-gathering became differentiated.[20] Families, houses and clans were separated, thereby destroying social networks and long-established kinship systems. By virtues of this disadvantageous piece of

[18] Terry Pedwell, *Attawakispat actions "unreasonable"*, Herald News, August 2, 2012, at 4:17 am.
[19] Will Kymlicka, Contemporary Political Theory : An Introduction,19-22 (2001).
[20] Erin Hanson, *Reserves*, CTR. ON FIRST NATIONS STUDIES PROGRAMME, British Columbia University (2009).
http://indigenousfoundations.arts.ubc.ca/home/government-policy/reserves.html

legislation the Aboriginals were cunningly cheated and induced into giving up legal claims on their lands.

With the onset of the 1900s, immigration to Canada increased manifolds, industrialization had mechanized factory production almost completely and racism began creeping into the capitalist system, wherein the capitalist classes began to deny the seasonal labour which the Aboriginals enjoyed, in hop-picking and cannery work.

Due to the summation of all these factors, a large section of the Aboriginals now seek "de-recognition", where they feel that getting branded as an 'Indian' acts as a 'negative externality' – where the Aboriginals have to bear a socio-economic cost which they did not choose to incur. They wish to be 'un-listed', struck-off Government records as 'Indians' and a part of a certain band or council and want to be directly integrated with the 'modern', 'mainstream' Canadian population; reducing their dependency on the State and not being criticized and demoralized. Since open acceptance of their Aboriginality and open practice of their culture and lifestyle is not only being denied but 'charged upon' by the State, they seek this form of 'de-recognition'.

Parekh, in the course of his multiculturalist studies emphasises on how concepts like commitment and belonging are reciprocal in nature[21]. In case of the Aboriginals, the Canadian political community not only needs to grant them the status of 'valuable citizen' but also establish a sense of belongingness and oneness with them. In the long run, this is necessary to build up on societal cohesion. At a certain juncture of equality and justice, distinctions and differences, based on ethnicity and race must begin to blur and for historically-oppressed groups such as the Aboriginals, their chance at self-definition and public participation must be further enforced by the non-Aboriginal Canadian community.

There is a need to enhance their solidarity and identification with Canada, as a nation they 'belong to'. Aboriginals need to feel more welcome and accepted for who they 'are' and not

[21] Bhikhu Parekh, Rethinking Multiculturalism: Cultural Diversity And Political Theory (2002).

for what they need to 'become'. In spite of being citizens, they live as outsiders; their integration is far off from reality. Their fear of rejection and ridicule is at a paramount because of how the rest of Canada defines them and demeans their way of life. More than being patronized, they wish to be loved and accepted.

Canada, as a politically conscious nation needs to respond more effectively to this challenge. As a country which has been known to be accommodative and sensitive to cultures, it needs to grant a respectable position to Aboriginals who have been making up for a considerable chunk of their population, since more than two centuries. Canada can no more be in a state of trance or denial regarding this jolt to multiculturalism; they need to take note of the First Nations and deter themselves from sleepwalking into segregation.