

## Proportional Representation for Native Peoples

by Senator Len Marchand

**T**he electoral system is the fundamental bridge binding citizens and legislators. Its legitimacy, and hence parliament's, rests upon its ability to ensure that all Canadians have an opportunity to participate on an equal footing. Aboriginal peoples do not participate in the electoral process on equal footing with other Canadians, nor as a result, do aboriginal people have the opportunity to participate in the parliamentary process on an equal footing with other Canadians.

Parliament is the exclusive domain of the settlers, a reflection no doubt, of the fact that the electoral system was designed by settlers, for settlers and historically developed to exclude aboriginal peoples.

While aboriginal peoples were provided with universal suffrage only in 1960, the electoral system fragments aboriginal voting strength to the point where an aboriginal vote is next to meaningless. Of the 295 members in the House of Commons, there are presently only three members of aboriginal descent in the House, two from the Northwest Territories where the aboriginal people form a majority. South of the 60th parallel, there is only one member of aboriginal descent, yet there are over 700,000 aboriginals south of the 60th parallel.

This is all the more frustrating for me because I was involved in the struggle to gain the franchise in 1960. I have always been a strong believer in the parliamentary system and the rule of the law, but I must confess that I broke the law by slipping into the polling booth and casting a ballot in the 1958 general election. It was a difficult decision at the time, I felt it was my right as a citizen to vote. Since legislation denied me this right, I could not in good conscience respect or obey the law. It was a humiliating experience, but nonetheless strengthened my resolve to change the system.

*I remember the excitement that was generated when the Diefenbaker government extended the franchise to all of our people. As it has turned out there has been very little to get excited about.*

Some of us have been able to find the path to parliament, but for the vast majority of aboriginal Canadians, parliament is seen in the distance, and there is no trail to get there. The trails that do exist are made for the work boots of the settlers. The path has been too

sharp for the moccasins of our people. I have walked those trails and had my moccasins pierced many times.

John Stewart Mills had it right when commenting upon the short comings of the British Electoral System, he noted "In a representative body actually deliberating, the minority must of course be overruled; and in an equal democracy the majority of the people, through their representatives, will outvote and prevail over the minority and their representatives. But does it follow that the minority should have no representation at all? Because the majority have all the votes, the minority none? Is it necessary that the minority should not even be heard? Nothing but habit and old association can reconcile any responsible being to the needless injustice.

The electoral system that Mills spoke of over a century ago, is of course the forerunner to the Canadian electoral system. His rhetorical questions are as appropriate today as they were then. Put another way, must the majority have all the representation, aboriginal people none? The injustice does not end there, we have taken electoral inequality to new heights in Canada.

Our system has been adapted to accommodate linguistic and cultural minorities in Canada. The *Electoral Boundaries Readjustment Act* allows boundary commissioners to recognize "communities of interest", "communities of identity", and the "historical patterns of electoral districts in a province".

These provisions were designed to accommodate the electoral interests of our linguistic minorities and are broad enough to accommodate the electoral interests of ethnic minorities in places like Toronto and Montreal. For example, these provisions protect and enhance the electoral interests of francophone minorities outside Quebec like St. Boniface, Manitoba, and Ottawa-Vanier. The same can be said for certain anglophone ridings in Montreal and the Eastern Townships.

However, this legislation is not broad enough to cover the broad demographic distribution of aboriginal peoples. The issue, therefore is not one concerning the admissability of group rights but rather which group shall be granted recognition in the electoral process. Some groups, it appears are more equal than others. Accordingly, not only is there individual inequality within the electoral system but group inequality as well. Let me outline some of the impediments that I have identified that impact adversely on aboriginal electoral participation.

First, while aboriginal people constitute upwards of three percent of the overall Canadian population, their

demographic distribution has left them numerical minorities in all but the two ridings. The *Electoral Boundaries Readjustment Act* does not address this problem. South of the 60th parallel, there are only two ridings where aboriginal people constitute more than twenty percent of the population. Only seven ridings have more than ten percent and a further five ridings can boast of an aboriginal population of more than five percent. While the data in the federal electoral profiles is deficient, it nonetheless shows that aboriginal voting strength has been seriously diluted.

Second, the historical exclusion of aboriginal peoples from the franchise has adversely impacted upon aboriginal participation in the three national political parties. Participation in the national parties has often been a necessary precondition for an individual to enter the House of Commons. Historically, the three national parties have not taken an interest in aboriginal electoral interests. They have been content with the view that aboriginal people do not vote. This view has only served to preserve the status quo. The truth is aboriginal peoples have not participated because their votes do not count for much under the existing electoral system. Only in the last year, has the Liberal Party of Canada taken meaningful measures to increase aboriginal participation within the party. The other parties have yet to deal effectively with aboriginal under-representation within their party structures. But, increasing participation within the national political parties is only part of the answer.

Third, is the socio-economic circumstances of our people. When aboriginal people on the street in Regina are scraping around for their next meal it is hard for them to justify bus fare to go to the polling booth to cast a ballot. Undoubtedly, the poor socio-economic circumstances has led to poor self esteem and has adversely impacted upon aboriginal electoral participation.

Fourth, aboriginal peoples more than all Canadians rely heavily on federal fiscal transfers. As the government views expenditures on aboriginal people, as a fixed pie of resources, aboriginal peoples are concerned that participation within a political party particularly an opposition party, put these transfers at risk. As a result many of our people are not encouraged to participate. Indeed, participation within the national political parties can, and often does, impact adversely upon the personal careers of aboriginal Canadians. When one considers that most of the active people in our communities are involved with aboriginal political or social delivery agencies, this impediment is that much more compelling. Many of our people work in the federal, provincial and territorial public service where participation is inherently limited.



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All these concerns must be addressed. Some will require attitudinal changes. Others are structural problems. The best way to address structural problems within the existing system is to guarantee aboriginal peoples ridings that overlay existing federal electoral districts. The number and allocation of districts must be allocated in proportion to the number of aboriginal peoples in the country, and reflect the demographic distribution of aboriginal people in each province.

*We do not have equal government, we have a government of inequality and privilege because the existing electoral system does not promote equality.*

Based upon the 1986 census, aboriginal people should be entitled to at least three percent of all members in the House of Commons. If this proposal were adopted nine guaranteed aboriginal electoral districts would be set aside for aboriginal peoples. Naturally, the number of ridings would have to be adjusted to take into consideration natural population growth. This should occur following each decennial census. Under this proposal, it would be necessary to establish a separate aboriginal electoral role, as is the case in New Zealand where the Maori people have guaranteed representation in parliament. Aboriginal peoples would have the option of having their name incorporated on the general role or on the aboriginal role - but not both.

While we are presently examining the constitutional and legislative means to implement such a proposal it is clear that parliament was given considerable discretion under the constitution to establish an effective electoral system. Clearly, the existing system does not serve the interests of aboriginal Canadians. This should be a concern to all Canadians, as the credibility and legitimacy of parliament is at issue.⊗