

APPENDIX D



Distinctions-Based Approaches Literature Review

NATIVE WOMEN'S ASSOCIATION OF CANADA





DISTINCTIONS-BASED APPROACHES

SUMMARY:

The concept of distinctions-based approaches has become a standardized model in government relations with Indigenous Peoples in Canada. The idea that Indigenous Peoples are not a homogeneous group conceived of, and addressed by, government as a coherent unit has long been promoted by many Indigenous groups and is an essential criticism of government policies and engagements with Indigenous communities.

However, this concept also presents considerable limitations. It has produced numerous negative implications for some Indigenous peoples who have been excluded, and further marginalized, through colonial appropriation and application of distinctions-based approaches. Though it is important to recognize and honour diversity of Indigenous Peoples, Indigenous organizations and advocates must proceed cautiously to ensure this principle is not being exploited by government to advance, divide, and rule policies.

BACKGROUND:

To address “one size fits all” policy approaches dominating government processes, the concept of distinctions-based approaches emerged as a means to increase government responsiveness and help ensure unique experiences and rights of First Nations, Inuit, and Métis Peoples were recognized and respected. Though these demands were well-intentioned and necessary, it is becoming increasingly apparent that the adoption of this approach by government is counterproductive to these aspirations.

In practice, distinctions-based approaches have been appropriated by government and are being instrumentalized to reduce, rather than expand or complexify, government responsibility for Indigenous Peoples. It is possible this outcome is the result of attempting to introduce diversity, or plurality, into a state system built and functioning on the homogenization and assumed uniformity of all citizens. However, there is significant cause for greater skepticism and concern.



As governments advance initiatives based on the three identified distinctions of First Nations, Inuit, and Métis, Indigenous organizations are being pressed to conform their mandates, membership, and activities to these categories in order to access increasingly scarce funding, which has been streamlined according to these national identity groups. For organizations that do not represent a single identity group—such as urban organizations, Indigenous women’s organizations, and those dedicated to representing Indigenous Peoples—they are marginalized by state-defined identification processes. Thus, the introduction of distinctions-based approaches as the dominant axis of Indigenous engagement and funding has resulted in exclusion and erasure.

There are numerous examples of how governments’ application of Indigenous identity categories through distinctions-based approaches has significantly, and negatively, impacted Indigenous organizations and advocacy. One demonstrative example is the creation of the Indigenous People building on Wellington Street, across from Parliament Hill, in Ottawa. The government renovated this historic building and invited only three of the five federally-recognized national Indigenous organizations to this space.

It is not only symbolic that these organizations—The Assembly of First Nations, Inuit Tapiriit Kanatami, and the Métis National Council—were given a direct seat across from Parliament, while the Native Women’s Association of Canada (NWAC) and the Congress of Aboriginal Peoples, representing off-reserve and non-status peoples, were neither consulted nor invited. This building directly reflects an unequal distribution of power and resources. More remarkably, in a complete affront to the professed inclusion of the Algonquin Anishinabeg Nation First Nations Peoples—the rightful landholders of the unceded territory on which the building sits—were not consulted or included in this process.

CRITICAL REFLECTIONS:

In the move to direct government accountability and engagement along the lines of distinctions, there is an underlying emphasis on defining Indigenous identity through discrete categories. Doing so can create power imbalances among Indigenous Peoples when some groups are recognized, while others are not. A notable expression of the governments’ adoption of distinctions-based approaches is an emphasis on defining the membership of Indigenous organizations.

Within government discourse, the identification of Indigenous membership is presented as the purview of Indigenous organizations. However, by selecting three organizations



CRITICAL REFLECTIONS: (CONT)

awarded the power to define these identities and members, government maintains ultimate authority over Indigenous identity. More problematically, government has selected a small number of individual organizations as representative and effective spokespersons for each of the three distinctions. This has been done knowing that these organizations may hold exclusionary views of Indigenous identity benefiting their national membership, while erasing others.

The requirement to demonstrate an organization represents a specific distinction—whether First Nations, Inuit, or Métis—places undue pressure on organizations to redefine and reorient their work through this prism, as discourse and funding are conformed to these narrow categories. For organizations that represent a diversity of Indigenous Peoples across greater intersectional complexity, this shift forecloses the possibility of Indigenous Peoples pursuing and mobilizing around their intersectional experiences, such as gender, Two-Spirit, urbanity, and non-status.

A more subtle but important impact is the increasing necessity to define Indigenous work through distinctions-based approaches, which limits the ability of individuals to self-identify according to a greater diversity of identity and experience. Because government has distilled the idea of distinctions into a firm definition of three groups, Indigenous Peoples are required to adopt a strict definition of their Indigenous experience through which to engage, leaving out those who do not identify with state-defined membership or nationalist identification processes and structures.





CRITICAL REFLECTIONS: (CONT)

In essence, Indigenous identity outside of these categories, as well as dissent and debate regarding state and nationalist definitions of First Nations, Inuit, and Métis, becomes invisible. It is notable that these developments have coincided with increasing pressure on governments to recognize expanded rights for Indigenous Peoples and increasing international awareness regarding Indigenous identities and experiences. The Daniels Decision, in 2017, significantly increased the number of Indigenous Peoples the government was required to recognize as Indigenous, placing greater demand on government.

Today, expert research has demonstrated that the Indigenous population in Canada is underestimated by two to four times. Government have long neglected to recognize and respond to the needs of urban Indigenous Peoples (Rotondi et al. 2017). Indigenous People are the fastest growing population in Canada. Given the context of increasing pressure on government to recognize an expanding Indigenous population with more complex and far-reaching rights, it is important to reflect on the possible instrumentalization of a narrow distinctions-based approach to manage and constrain the scope of government responsibility.

A key feature of misuse of distinctions-based approach is the emphasis on land-based recognition, which operates through legal interpretations of First Nations, Inuit, and Métis as land holding nations. This process not only reflects a colonial imperative to conform Indigenous Peoples to the state model, it also forces those who are not currently defined by land settlements into lengthy, legal battles for recognition, which in turn delays government accountability. For Indigenous Peoples who are not seeking land-based rights, such as women, Two-Spirit, and urban Indigenous Peoples, the formal avenues that once existed for federal advocacy and engagement are blocked and broader recognition of Indigenous Peoples' rights to self-determination, existence, and mobility across all the land of Canada, is eliminated.

Unintentionally, a concept that was advocated to introduce greater complexity into government policy processes through the principle of distinctions-based approaches, has been used to reinforce government's power in determining who is, and who is not, Indigenous. This policy, in turn, has been used to reinforce identity-based hierarchies and inequalities that many Indigenous organizations have fought for decades to deconstruct.



Through the favoured recognition of some over others, and the allotment of resources, funding, and time accordingly, government-led distinctions-based approaches are effectively sidelining and silencing many Indigenous organizations through processes that echo early colonial policies of divide and rule.

DIVIDE AND RULE?

Indigenous solidarity is a threat to colonial power. In recognition of this threat, colonial administrations implemented a policy of divide and rule to ensure stability (Morrock 1973). Divide and rule, as a policy, “May be defined as the conscious effort of an imperialist power to create and/or turn to its own advantage the ethnic, linguistic, cultural, tribal, or religious differences within the population of a subjugated colony,” (Morrock 1973: 129). The basic processes of this policy focuses on creating, or augmenting, existing differences between colonized peoples and exploiting and politicizing these differences for the benefit of the occupying force (Morrock 1973: 130).

Across British colonies, divide and rule also functioned as a key rationalization for treating groups differently, not as a beneficial approach that sought to honour difference, but as a divisive approach that facilitated hierarchies, exclusion, and conflict (Christopher 1988). Within this context, divide and rule policies were consciously intended to create animosity between Indigenous populations in order to redirect their attention and action away from their colonial oppressor and towards each other as they were forced to compete for unequal status and scarce resources.





RECOMMENDATIONS:

Indigenous Peoples are gaining ground and resisting colonialism, and pressure is building on the colonial system. As Indigenous Peoples, we need to be vigilant as colonial mechanisms transform to respond to, and defuse, this pressure. Distinctions-based approaches, as a recognition, protection, and celebration of diversity, cannot be allowed to be eroded and deformed to facilitate and justify exclusion and erasure. Indigenous Peoples should not be required to conform their identities to three increasingly constrained categories at the expense of their experiences, rights, and the spirit of solidarity.

To move forward and ensure the application of distinctions-based approaches reflect real diversity of Indigenous Peoples—while protecting, rather than eroding, opportunities for solidarity—it is essential Indigenous organizations reclaim distinctions-based discourses and revitalize these approaches with greater complexity. It is imperative the broader intersectionality and diversity of Indigenous identities and experiences are applied in government-facing initiatives and reflected across our work.

It is also important to come together to support organizations that share these concerns. This includes the National Association of Friendship Centres, which advocates that, “The Government of Canada immediately expand its ‘Distinctions-Based Approach’ to be truly intersectional (including sex, orientation, gender, residency, geography, ability, and age),” (NAFC 2021). Together we can better protect Indigenous identities and peoples from colonial violence, while maintaining plurality and respect for diversity inherent to Indigeneity.





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Distinctions-Based
APPROACHES

