

University of Nebraska - Lincoln

DigitalCommons@University of Nebraska - Lincoln

Great Plains Research: A Journal of Natural and
Social Sciences

Great Plains Studies, Center for

Fall 2004

Review of *Who Are Canada's Aboriginal Peoples? Recognition, Definition, and Jurisdiction* Edited by Paul L. A. H. Chartrand

Roy Todd
University of Leeds

Follow this and additional works at: <https://digitalcommons.unl.edu/greatplainsresearch>



Part of the [Other International and Area Studies Commons](#)

Todd, Roy, "Review of *Who Are Canada's Aboriginal Peoples? Recognition, Definition, and Jurisdiction* Edited by Paul L. A. H. Chartrand" (2004). *Great Plains Research: A Journal of Natural and Social Sciences*. 725.

<https://digitalcommons.unl.edu/greatplainsresearch/725>

This Article is brought to you for free and open access by the Great Plains Studies, Center for at DigitalCommons@University of Nebraska - Lincoln. It has been accepted for inclusion in Great Plains Research: A Journal of Natural and Social Sciences by an authorized administrator of DigitalCommons@University of Nebraska - Lincoln.

Who Are Canada's Aboriginal Peoples? Recognition, Definition, and Jurisdiction. Edited by Paul L. A. H. Chartrand. Saskatoon: Purich Publishing, 2002. 319 pp. Bibliographical references, index. \$37.00 paper.

Official recognition of indigenous peoples in North America has been a slow and uneven process. Many groups in Canada and the United States remain unrecognized and are thus denied collective and individual rights. This book deals with legal policy relating to recognition of indigenous peoples, analyzing Canadian constitutional issues and case law with particular emphasis upon the Métis, and with some comparisons between Canada and the United States.

The origins of the book lie in a conference held in 1998 by the Congress of Aboriginal Peoples. Revised conference papers augmented by additional ones are

preceded by Harry W. Daniels's foreword, which provides a participant's view of attempts to gain Aboriginal rights in Canada during the last three decades. The key themes of recognition, definition, and jurisdiction, and their historical and political context, are addressed by Paul Chartrand in the first two chapters. The Canadian constitution, case law, and the recommendations of the Royal Commission on Aboriginal Peoples are points of reference for all of the contributors.

The term Métis has a range of meanings. Giokas and Chartrand review its use and urge development of positive principles for recognition and definition of the "Métis people." Bradford Morse and Robert Groves examine legal and policy issues, reviewing relevant literature and case law before making recommendations that include legal action and political lobbying. Dale Gibson analyzes federal constitutional jurisdiction, concluding that litigation should be initiated at an early date. Chartrand and Giokas propose an approach to recognition of the Métis that is positive and includes recognition of the history of the Métis people.

Two chapters refer to policy on recognition in the United States. John Giokas compares Canadian and American policy and practice while Russel Barsh reviews American practice on political recognition, concluding that "Both countries' procedures have been marked by a combination of vague standards, arbitrary procedures and agonizing delays."

This collection provides a detailed analysis of the legal background to the situation of Canada's unrecognized indigenous peoples. The discussion of principles and practice for legal policy are also relevant, within limits, to the United States. Recent political developments in Canada may be consistent with the editor's call for a policy whereby Aboriginal people are partners, but there are few signs that either political action or legal policy will yield rapid change. **Roy Todd**, *School of Sociology and Social Policy, University of Leeds*.