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## Urban Aboriginal Women in British Columbia and the Impacts of Matrimonial Real Property Regime

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### Introduction

Legal provisions for the division of matrimonial real property on-reserve when a marriage breaks down do not currently exist under the *Indian Act*. At the same time, efforts have been made to allow for legislation that supports and respects the determination of First Nations in Canada to develop land and property management rules that best suit their community interests and needs. This effort culminated on June 17, 1999, in the *First Nations Land Management Act* (FNLMA). Fourteen First Nations in Canada opted into this Act in order to formulate their own land management codes outside *Indian Act* regulations. Despite this advance in First Nation determination of land management, critics still have concerns. They believe the FNLMA will have little or no effect on the current lack of rules and procedures surrounding the division of matrimonial real property on-reserve, even though the Act requires such provisions to be implemented. Only time will tell how this situation evolves. In the meantime, anecdotal and testimonial evidence continues to accumulate that documents the experiences and plight of First Nations' women and their children who had to leave their homes on-reserve during marital breakdown.

In the First Nations context, the ways that the matrimonial real property regime on-reserve affects the family have been an outstanding concern of Aboriginal women. When relationships break down, there is not often a fair and equitable division of the marriage's assets. In many respects, this is the direct consequence of a non-existent matrimonial real property regime under the *Indian Act*. However, this situation has not gone unnoticed. For some time Aboriginal women have raised the necessity, in various fora, for a better mechanism to divide matrimonial real property on reserves in the event of marital breakdown.

It is anticipated that this research study can be a first and necessary step in examining the economic, political, and social impact on Aboriginal women faced with marital breakdown, and how this impact affects their personal and family security. Beginning in the urban context in British Columbia, primary research involving Aboriginal women and organizations will help clarify the ways the property regime under the *Indian Act* has affected women's lives and choices.

The geographical context for this research study is centred on the matrimonial real property regime in the province of British Columbia. Vancouver and Victoria, two of British Columbia's largest urban centres, were chosen as natural sites for this research project given their sizable populations of Aboriginal women (6,090 and 3,400 respectively). Using a qualitative research methodology in conjunction with various governmental and NGO partners, Aboriginal women residing in these cities were asked to provide their experiences on how their marital breakdown on the reserve positively or negatively affected them and their children.

## **The Context: Traditional Roles**

Since time immemorial, Native Nations governed all of what is now known as North America, or Turtle Island. Turtle Island was the home of various culturally diverse indigenous nations. To illustrate this point in the current context, today there are over sixty unique First Nations in British Columbia alone. Thus, there were many indigenous ways of being and knowing. Many indigenous communities were matriarchal. In these societies, women typically were actively involved in various forms of tribal governance.

Therefore, in a traditional context, many Aboriginal women held unique and influential positions in their society. Numerous women governed, controlled leadership, owned all community property and had sole responsibility for resolving disputes.<sup>1</sup> Mohawk female elders, or grandmothers, held special positions of power. Due to the fact that Aboriginal women gave life, they held a special and sacred position in the centre of society. Many considered their grandmothers to be the only ones who had "almost walked a full circle."<sup>2</sup> Accordingly, they had the wisdom and power to be solely responsible for the discipline of all community members.

Traditionally, Navajo women had equal rights with Navajo men because women's roles complemented those of men.<sup>3</sup> Historically, Navajo men would move to their wives' family locations after marriage (a matrilocal society).<sup>4</sup> This arrangement prevented spousal abuse since the woman's family would protect her if required.<sup>5</sup> Clan elders and the extended Navajo family would be shamed if one of their men engaged in wife abuse.<sup>6</sup> In the Onondaga Nation, men could not vote or have non-member spouses residing on tribal

lands.<sup>7</sup> For indigenous women, leadership roles are “natural extensions of the care taking role.”<sup>8</sup> Traditionally, women were central to society, perhaps because of their reproductive powers.<sup>9</sup> “Aboriginal women played equal, significant and respected roles in government-making,”<sup>10</sup> according to McIvor, who also observed that “the role of Aboriginal women was central to the spirituality and existence of the nation.”<sup>11</sup> As was custom, divorces were available for Aboriginal women if they were unhappy or if they experienced abuse. They could simply ask the man to leave or just put his belongings outside the door.<sup>12</sup> In traditional Sioux culture, women were considered to be sacred.<sup>13</sup>

## **Current Social and Economic Situation of Aboriginal Women**

Although information exists on the demographic profiles of Aboriginal people, this information is mostly derived from the Census conducted by Statistics Canada, and through the Aboriginal Peoples Survey (APS) that was conducted for the first time in 1991. Indian and Northern Affairs Canada (INAC) collect and maintain several databases on Registered Indians and Land Entitlement Mechanisms on First Nation reserves. However, for the most part, the intent of these databases is not to support ongoing research activities, but to function as administrative and operational tools. This section will briefly outline the results of some research studies and data publications readily available from INAC and Statistics Canada. The focus in this section is on information.

Research and analysis conducted by INAC shows that Registered Indians living on-reserve have both advantages and disadvantages regarding living costs relative to most other Canadians. The advantages include subsidized housing and greater eligibility for government transfer payments. Advantages also include an environment that allows Registered Indians to pursue traditional lifestyles (e.g., hunting, trapping and fishing, assuming that the surrounding lands can sustain this activity) that have given them the potential for lower food costs.

The disadvantages resulting from reserves’ isolation from major urban areas include higher costs for many commodities than elsewhere in Canada, and a lack of employment in rural reserve communities. However, many people living on a reserve regard relocation to other areas with better social and economic prospects as less viable and desirable than would other Canadians.

Further data published by INAC show that in British Columbia there were 28,982 off-reserve Registered Indian females as of December 31, 2000. This represents a quarter (25%) of the Registered Indian population

provincially. Of these off-reserve females, one-third are under the age of 19, 57.4% are between the ages of 20 and 49, while approximately 17.6% are over the age of 50.

In 1998–99, housing units on-reserve in British Columbia totalled 16,025—although not all people living on-reserve are Registered Indians. The 1991 Census found that only 70% of the people living on-reserve were of Aboriginal origin. Although there were problems with the 1991 and 1996 Censuses due to underreporting of the Aboriginal population, the 1996 Census estimated that the Aboriginal population living on British Columbia Indian reserves was 64,981. This represented a 19.1% growth since the 1991 Census.

## Methodology

At the time this research was conducted, very little information or data were available that described the number and extent of issues affecting First Nations women and their children who were experiencing matrimonial breakdown on-reserve. This situation has not changed. For the most part, information on these issues still continues to be anecdotal at best. As a result of this limited information, no efforts were made to determine an appropriate and representative participant sample size for the province of British Columbia, where this study was conducted. No control groups were established to measure any significant differences in experience between First Nations women who left the reserve after marital breakdown and those who were able to stay. Moreover, no efforts were made to stratify the sample by other social and economic factors, such as age, income, with or without children and other relevant factors. In many respects, the research remains highly exploratory. However, because there are no provisions in the *Indian Act* to deal with the issues of the division of matrimonial real property on-reserve, it is highly likely that the events and outcomes for First Nations women experiencing matrimonial breakdown would converge in common experiences. Using this fact, in conjunction with qualitative research methodological criteria, it was determined that an appropriate sample size of no more than thirty-five participants would be enough to satisfy the objectives of this project, given time and cost constraints. In the end, twenty-nine First Nations women living in the Victoria-Vancouver areas of British Columbia, admirably, participated in this research study.

## Research Design

At the beginning of the project, considerable time and effort went into designing an appropriate qualitative research instrument before the actual interviews. Efforts focussed on three essential areas, including

- the development of appropriate screening questions for the research sample;
- relevant research questions and/or content and themes to be examined by the study; and
- the determination of a questionnaire pre-test and sample selection strategy.

These key processes were undertaken through various fora and activities in which the principal researcher of this study participated, and collaborated, with other stakeholders involved in the study. These included INAC representatives and Aboriginal NGOs from the study location in British Columbia.

## **Questionnaire Screening Criteria**

The importance of developing efficient and appropriate screening questions for this study cannot be overstated. The following core criteria were used to “screen” Aboriginal female participants into the study:

- the Aboriginal woman participant was married or lived common-law on a reserve in an owned or rented residence;
- her relationship ended or changed through widowhood while living at this reserve residence; and
- she did not have a choice to remain on the reserve when her relationship ended.

If all three criteria were answered affirmatively, then the participant would be “screened in” as part of the sample for this study. No restrictions were placed on how recently a participant’s matrimonial breakdown had occurred. All screening sessions were conducted by telephone in order to avoid wasting time on transportation and the participant’s time, if it was determined that their experiences were unsuitable for the study. Contacts for potential participants were provided by, and gathered in consultation with, Aboriginal NGOs and other service agencies in the research area. Their knowledge and background in providing services to Aboriginal women experiencing marital breakdown were essential in formulating the sampling and data collection strategy. The principal researcher also solicited participants by distributing pamphlets and brochures to Aboriginal and other service NGOs in the research area where these women might be clients.

## **Questionnaire Research Content and Themes**

Several fora were undertaken to determine and complete the research questions, themes and format of the questionnaire. The main participants in these processes included the primary researcher, officials from INAC and Aboriginal NGOs in the research area.

In mid-December 2001, a focus group session was held in British Columbia with INAC officials participating via conference call. The focus group mechanism accomplished and supported several objectives. First, all Aboriginal NGO officials were introduced to the project and its purpose. Second, the focus group provided the opportunity to gather feedback and suggestions on questionnaire content and themes from various individuals who had direct contact with potential participants for the project. This feedback and insight were important for formulating appropriate and relevant questions for the study. In addition, the focus group provided an opportunity to discuss potential ethical problems or data-collection barriers for disclosing the First Nations women's experiences regarding matrimonial breakdown on-reserve. Finally, all focus group participants were encouraged to participate in and support the project by providing contact information for potential project participants, thus providing direct assistance in forming a sampling strategy.

Based on the suggestions and views presented by the focus group, a set of major themes was formulated to guide the construction and flow of the final questionnaire format. The major research question groupings are as follows:

- screening questions
- background/demographics
- awareness of existing matrimonial real property regime
- participants' stories
- making a difference
- concluding remarks

## **Questionnaire Pre-Test and Sampling Strategy**

A preliminary test of the questionnaire was conducted in order to verify the efficiency and relevancy of the sampling strategy, along with the questionnaire screening questions. As noted above, Aboriginal NGOs were instrumental in providing names and contact information of potential participants as part of the sampling strategy for the project. Several test candidates were contacted by telephone to determine their suitability to

participate in the project. Once verified, a test run of the questionnaire was performed to evaluate the efficiency and relevancy of survey questions, and to seek out potentially problematic questions that would result in a high rate of non-response or non-applicable outcomes. This situation was not totally avoidable for certain types of questions. However, the rate of non-response or non-applicability of questions would most likely have been higher if a pre-test had not been performed before the actual participant interviews.

## Participant Background Demographic Findings

The average age of the Aboriginal women interviewed was 43 years. They ranged in age from 31 to 63 years. Most participants were originally from British Columbia. However, one-third (ten) came from other provinces or territories of Canada. Two participants came from tribes in the United States. An overwhelming majority of Aboriginal women participants were members of their band of origin and were Registered Indians under the *Indian Act*. Only four women had obtained their status as Registered Indians under Bill C-31 provisions.

In terms of mobility, almost one-quarter of these women indicated that they were raised both on- and off-reserve during their youth. In terms of educational attainment, almost half attended high school, but did not graduate. Only 17% of participants (six women) indicated that they had achieved some post-secondary education. However, on a positive note, one-quarter of the women indicated at the time of the study that they were currently attending or enrolled in an educational institution.

The majority (70%) of participants responded that they were not employed during this study. Of those who were employed, approximately one-third were employed on a part-time basis. Most participants (62%) indicated that their total annual income was below \$10,000 per year. This is clearly below the Low-Income Cut-off level as defined by Statistics Canada.<sup>14</sup> However, four participants responded that their annual total income exceeded \$40,000 per year.

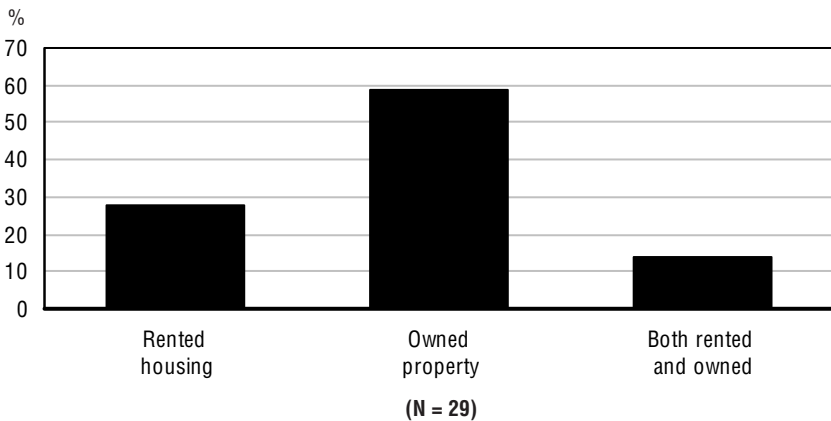
In terms of secondary sources of income, a majority of participants indicated that they were receiving social or disability assistance. Surprisingly, very few participants indicated that they had received any child or alimony support from their former spouse.

During their relationship with their former spouses, most participants indicated that they were in a common-law relationship followed by the second most common form of relationship—marriage. In addition, the majority (60%) of participants did not share the same First Nation origin as their spouse. However, the vast majority of former spouses (97%) held band

membership with their First Nation of origin. In terms of cohabitation, the average time participants lived on-reserve with their former spouses was 6.1 years. Currently, over two-thirds of the Aboriginal women participants identify themselves as single and/or divorced.

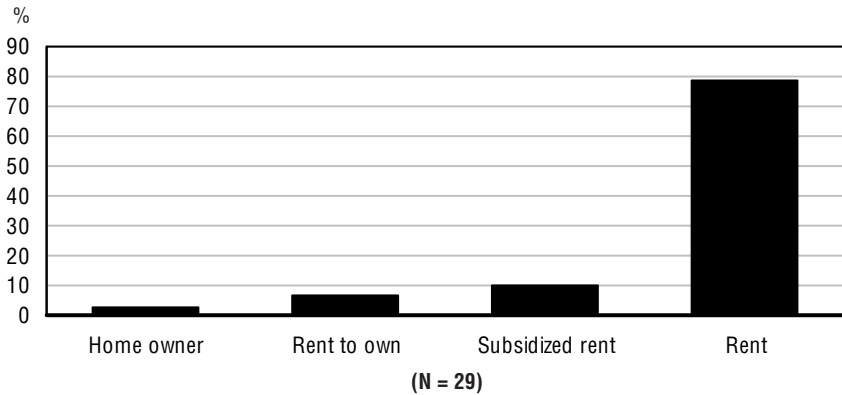
As shown in Figure 1, a majority of the participants (72% or 21) held various forms of property interest while cohabiting on-reserve with their former spouses. Interestingly, a majority (76%) responded that they held a joint Certificate of Possession for the property on the reserve with their former spouse. Yet, unfortunately, all of these women left the reserve when their relationship ended. Although eight participants had no children during the period of marital breakdown, there were a total of sixty children whose lives were affected by the participants' estrangement from the reserve.

**Figure 1: Property interest with former spouse**



The various proportions of the types of current home ownership held by the participants is depicted in Figure 2. A majority (97%) of participants indicated that they are renting their current dwelling. Only one participant indicated that she owned her home, which is in direct contrast to the statistics on the participants' former situation on the reserve.



**Figure 2: Current home ownership status of participant**

## Awareness of Existing Band Matrimonial Real Property Provisions

Several questions in the interview probed the participants' knowledge about the existence of any First Nation band rules and/or protocols regarding the division of matrimonial real property on the reserve that were directly applicable to their marital breakdown. They were also asked about how the rules, if any, were applied, and if the rules were fairly and consistently applied to their specific case or to any other cases they had seen.

Almost all the women interviewed indicated that before their relationship ended they were unaware of any rules, band by-laws, or protocols in place to guide the division of matrimonial real property on-reserve. Only four participants said they were aware of band property division rules before their marital breakdown. Currently, just over one-fifth (21%) of the participants' bands have rules in place and have made some effort to communicate them to their members. Of these rules, almost half (49%) either give preference to the male spouse or to the band member in matrimonial real property division. At the same time, many participants indicated that it is rare for women to keep the home. Typically, the male spouse retains it after marital breakdown. The participants mentioned other factors that reflect the bias connected to the consistent and fair application of property division rules. These include family status on the reserve and the spouses' relationship to those who control applying the property division rules on-reserve. Participants also reported that most band matrimonial real property division rules on-reserve are silent in the case of widowhood, although only one of the participants in this study left her former reserve home in such a situation.

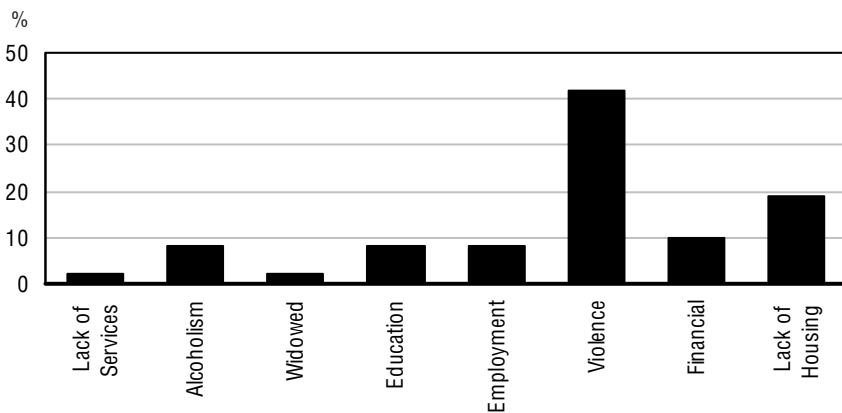
## Participants' Stories

This section of the questionnaire focuses on the experiences of participants on-reserve when the marital breakdown occurred and following the break up. The report examines various aspects of this experience, including the details of the break up, the transitional period from living on-reserve to moving to another location and their life experiences in their new living arrangements.

Most participants' relationships on-reserve ended about eleven years before the interview was conducted. At the time of their marital breakdown, the average age of the participants was 31 years. The average age of their affected children was approximately 10 years. Most participants (80%) retained custody of their children, although very few reported receiving any child support or alimony at the time.

Nearly three quarters (72% or 21) of the participants immediately left their home on the reserve as a consequence of their marital breakdown. The rest remained on the reserve for a short time afterwards, staying either with family members or temporarily in their home. Participants rarely gave a single response for leaving their reserve home. However, as shown in Figure 3, the predominant reason (42%) participants left their home on the reserve was to escape the effects of domestic violence. Other factors included lack of housing, financial concerns and the desire to pursue education and employment in urban areas. Unfortunately, these women reported that there was little or no fair and equitable division of their matrimonial real property on the reserve when their relationship ended.

**Figure 3: Reasons for leaving reserve**



( N=48, Multiple Response )

The majority (79%) reported that their former partner did not provide any financial support after their marital breakdown. Only five participants were successful in securing child support from their former spouses, albeit only for a year or two. However, almost half (45%) of the participants reported that, at the time, their spouse was gainfully employed and most likely capable of providing some level of alimony or child support. Yet very few participants indicated a willingness or motivation to pursue child support. Fear of the former spouse and the risk to personal safety and security were the most common reasons given for this reluctance.

Participants were asked whether they perceived various individuals and organizations as helpful, hurtful, or neutral in their transition process out of the matrimonial home on the reserve. The majority of participants (52%) indicated that they did not use or have Band Council involvement in their situations. They did not indicate why the Band Council was not involved or did not intervene in their case. However, of those who did have Band Council involvement, 21% reported that, overall, the council was more hurtful to their situation than helpful (15%). Reasons cited for these negative perceptions included Band Council indifference and insensitivity to the participants' predicament and the preferential treatment to relatives of Band Council members. However, the participants did not cite Band Councils as the most obstructive element they encountered. Participants overwhelmingly reported that their couple friends, or friends they had made through their relationship together, were the most hurtful element during their transition.

Participants (79%) reported that, by far, their own family was the single most helpful source of overall support during their marital breakdown. In many cases, participants' families provided a place to stay, transportation, emotional support and babysitting services in their time of need. Three participants indicated that their families were neither helpful nor hurtful because they lived so far away.

Of those participants who sought support through various service organizations, roughly half (48%) said they were helpful. Surprisingly, almost half (48%) of the participants also indicated that support service organizations were not applicable to their situation. The main reasons cited for this were lack of awareness and their belief, at the time, that there were no services that could have possibly helped their situation.

In terms of positive experiences resulting from the transition to life in urban areas, participants reported marked improvements in their personal safety (15%), employment (11%), education (11%) and freedom and/or self-esteem (14%). Other positive changes included access to basic living provisions, modern utilities, sobriety and lifestyle changes, and new skills development. The most helpful supports for these women after leaving the

reserve were women's shelters (28%) and counsellors (24%), followed by friends (17%) and family (14%).

Although no rigorous methodology was used to analyze the economic and financial impact of the transitional process, participants were asked to comment on the overall changes in their financial situation after leaving the reserve. Participant responses were equally divided between an improvement (38%) and a worsening (38%) of their financial situation. Only three participants (10%) indicated that their financial situation was unchanged after moving off the reserve. Many responses, from those who indicated improvement, were linked to their newly found independence from their former spouses. This indicated conflicts in their former domestic financial situation. For those who indicated a worsening financial situation, reasons included acquiring their former spouses' debt and the lack of access to reserve resources (traditional foods).

A clear majority (80%) of participants indicated that they experienced many unexpected changes in their lives once they left the reserve. These included feelings of loneliness due to isolation, of missing cultural opportunities on-reserve, denial of band-supported educational funding, and financial concerns and worries. Some also indicated that culture shock and the added expense for children's activities in the city were concerns. However, some participants responded that not all changes were negative. Many felt consoled by the fact that they were able to change their lifestyle, function independently and take care of themselves.

Similarly, participants were asked about whether their children were better or worse off in the city than on a reserve in their previous relationships. Over half (59%) reported that they thought their children were better off in the city, citing reasons such as increased resources, training, educational opportunities and increased contact with the maternal family. Only two participants felt their children were not better off in the city. However, overall, most participants indicated that the loss of community, cultural opportunities, and community and/or family gatherings had a negative impact on both them and their children.

## **Making a Difference**

The theme of the questionnaire—Making a Difference—gave participants a forum to express their opinions on measures they felt should be immediately implemented to help Aboriginal women on-reserve and their children facing experiences similar to theirs. In addition, participants were asked to comment on what specific information or resources would have been useful to them and their children during the marital breakdown on-reserve.

The participants provided a wide range of responses (115 answers) to these two questions. Overwhelmingly, participants (72%) stressed the need for resources available on-reserve to support domestic violence intervention and prevention. In particular, the need for Aboriginal-managed shelters, access to information on shelters, transportation and public acknowledgements about violence in the community dominated participants' concerns. For the longer term, some participants also suggested the creation of a "Community Safety Plan" on the reserve that would involve band workers, Royal Canadian Mounted Police (RCMP) and other related staff to respond to and help community members wishing to leave an abusive relationship.

Over half of all participants (59%) indicated that there is a great need for increased public and community education and awareness of overall legal rights on the reserve, including matrimonial real property rights. More specifically, in terms of housing on the reserve, participants indicated (52%) that matrimonial homes should be jointly registered in both spouses' names; that matrimonial homes should remain with the spouse who retains custody of the children; and that there should be more, better quality, affordable housing on the reserve.

Another concern, less often expressed but equally important in the long term, emerged from participants' comments touching on aspects of First Nation governance and horizontal and vertical accountability issues. Specifically, participants suggested that First Nation councils should provide mediation processes to deal better with disputes. They also suggested that First Nation councils should clearly articulate, disseminate and administer band policies and rights in a transparent and fair manner. Participants also mentioned that these policies or contracts resulting from First Nation policies, which include Certificates of Possession, should be legally binding.

## **The Connection between Domestic Violence and Matrimonial Property Rights**

After leaving the reserve, the vast majority of participants are now without property, living in poverty. Making this connection between domestic violence and property rights is important because long after an Aboriginal woman leaves an abusive relationship on-reserve, there are long-term implications for her financial situation. The lack of property rights affects the children of Aboriginal women since they generally remain with their mother, thus negatively impacting one or more generations. In this study, twenty-nine participants were affected, as were their sixty children. We do not know the results, upon the third or subsequent generations, of making these single-parent families homeless and poor. Despite stronger legislation surrounding child support enforcement, very few of the Aboriginal participants received

child support. For policy-makers, making this connection between domestic violence and lack of property rights for Aboriginal women is crucial.

This is a situation created by regressive legislation, specifically the *Indian Act*, and this legislation is unique to Aboriginal women. One of the first healing acts is to amend or repeal the regressive portions of the *Indian Act*, which caused Aboriginal women to be deprived of their property rights. If that step is not taken, then many more Aboriginal women and their children will continue to be impacted. However, merely taking that first step to remedying the legislation will not cure all the problems created by the *Indian Act*, and the participants indicated many important holistic measures that need to take place. These measures are direct feedback from the affected women themselves.

## Conclusion

All participants who were brave enough to share their experiences and feelings for this study, which centres on a traumatic and negative period of their lives, are to be admired. Through their collaborative efforts, one of the primary objectives of this research study has been met; that is, to qualitatively document the various social and economic impacts on Aboriginal women and their children facing matrimonial breakdown on-reserve. Throughout the study findings, there is evidence of the physical, psychological and spiritual pain that these women had to endure. However, in the end, they ultimately became survivors.

The study's findings relate a consistent thread among participants' narratives along many dimensions. For example, many participants started off as property owners on-reserve with their former spouses, but are now currently living in rental or subsidized housing off-reserve. Only one participant indicated owning her current home. The majority of participants are living in poverty, and are currently unemployed with an annual income below \$10,000. The vast majority of participants were unaware, before their relationship ended, of the lack of matrimonial real property provisions in the *Indian Act*, or any band by-laws or procedures regarding the division of matrimonial real property on-reserve. Almost three-quarters of participants immediately left their reserve home upon their marital breakdown. The rest remained on-reserve for a short time thereafter. In the end, however, all participants relocated to urban areas in British Columbia. For those participants who had children with their former spouses, a minority received child support, and only for a limited period after the marital breakdown—even though almost half of the former spouses were employed. However, the most startling finding that resonates throughout this study was the disclosure by over two-thirds of the participants that the main reason for leaving their former spouse was due to domestic violence. For the participants in this

study, there is clearly a link between matrimonial real property rights on-reserve and domestic violence.

In the beginning, most participants held some form of property with their former spouse until domestic violence left no alternative except to leave the reserve. Because many of the participants also retained the custody of their children at this time, the result will undoubtedly affect further generations. Research conducted by Hull, analyzing Census data on Aboriginal single mothers and their children, clearly shows that they are particularly disadvantaged in relation to other Canadian families, especially when living in urban areas.<sup>15</sup>

Obviously, there has been a social and economic cost for Aboriginal women and their children for not having matrimonial real property protocols in the *Indian Act* or at the Band Council level of government. Several provincial Supreme Court cases in British Columbia, notably the *Derrickson v. Derrickson* case, have not resulted in any changes to the current situation. Despite these attempts to elicit change, Aboriginal women and their children continue to be at risk of losing their reserve homes and living in poverty, especially if their familial situation was cast in the shadow of domestic violence. Therefore the question remains about how this research can be positioned federally and at the community level so that the momentum for change can continue to flourish and evolve. Perhaps a second, more subtle objective of this research study is to support change in the current thinking of matrimonial real property issues on-reserve from a legal risk and benefits perspective to a open and thorough consideration concerning the associated social, economic and generational costs of doing nothing. We have already witnessed, through the participants of this study, what the qualitative dimensions of some of these costs are. However, the intention of this research was never to be comprehensive, but to be an exploratory and necessary first step in examining all the issues surrounding matrimonial real property on-reserve.

There is much yet to be examined and quantified in order to reach a more fully developed understanding of all issues associated with matrimonial real property rights on-reserve. Further evidence-based research in the areas of legal dimensions and implications of matrimonial real property, current land ownership mechanisms used on First Nation reserves, and other case studies in other jurisdictions—including the international scene—would surely help support and motivate any further federal policy discussion and development. However, as indicated by the participants in their recommendations for change, there is a current need to have resources in place to alleviate some of the immediate crises facing Aboriginal women undergoing marital breakdown on-reserve. It is unknown, at this time, if the current resources committed to this situation, through various federal and provincial agencies, are having any effect in alleviating these crises. Furthermore, a less-

mentioned recommendation for change, reported by participants, hints at the long-term and more challenging prospect of Aboriginal communities themselves taking control and ownership of the matrimonial real property issue on-reserve in a holistic, open and inclusive manner to help heal and strengthen community well-being. This point cannot be overlooked in any future process or policy development that strives to come to a better understanding and to support better social and economic outcomes for all those affected by this important issue.



## Endnotes

1. P. Monture-Angus, "The Roles and Responsibilities of Aboriginal Women: Reclaiming Justice," in *Thunder in My Soul: A Mohawk Woman Speaks* (Halifax: Fernwood Publishing, 1995), 241.
2. Monture-Angus, "Roles and Responsibilities of Aboriginal Women," 242.
3. J. Zion and E. Zion, "Hozho' Sokee'—Stay Together Nicely: Domestic Violence under Navajo Common Law," *Arizona State Law Journal* 407: 412–413.
4. Zion and Zion, "Hozho' Sokee'—Stay Together Nicely," 414.
5. *Ibid.*, 414.
6. *Ibid.*, 415.
7. G. Valencia-Weber and C.P. Zuni, "Domestic Violence and Tribal Protection of Indigenous Women in the United States," *St. John's Law Review* (1995): 91.
8. Valencia-Weber and Zuni, "Domestic Violence and Tribal Protection," 92.
9. *Ibid.*, 93.
10. S. McIvor, "Aboriginal Self-Governance: The Civil and Political Rights of Women" (Masters of Laws thesis, Queen's University, 1995), 8–9.
11. McIvor, "Aboriginal Self-Governance," 10.
12. *Ibid.*, 33.
13. Valencia-Weber and Zuni, "Domestic Violence and Tribal Protection," 70.
14. Statistics Canada defines the "Low-Income Cut-off" level (or LICO level for short) as total annual income of \$32,759 for a family of four.
15. J. Hull, *Aboriginal Single Mothers in Canada, 1996: A Statistical Profile* (Ottawa: Indian and Northern Affairs Canada, 2001).