

# **The Failure of Cultural Recognition for the Urban Transition of Aboriginal Peoples in Canada and Travellers in the Republic of Ireland**

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To what extent has the failure of cultural recognition contributed to the marginalization of Aboriginal peoples in Canada and Travellers in the Republic of Ireland? The migration of both groups to urban centres coupled with the absence of choices to pursue traditional livelihoods has contributed to lifestyles that reflect despair. Along with the stress of urban transition is discrimination toward these groups by mainstream society (Cook and Belanger 2006; Silver 2006; Lawrence and Dua 2005; Helleiner 2003). Where Aboriginal peoples lack connection with their traditional languages and communities (Proulx 2003; Peters 2002), Irish Travellers are prevented from a life of nomadism (Norris and Winston 2005; Hoare 2005). In this paper I wish to focus on the impact of cultural recognition in the policy process for programs and services for both groups. Recognition is crucial for cultural survival because it is the dialogue, or the failure of dialogue, within and between cultures that may potentially marginalize them. Another policy consideration is the role of the third sector in advocacy and service delivery for both groups. My argument is that the failure of cultural recognition contributes to the marginalization of Aboriginal peoples in urban centres in Canada and Travellers in Ireland. This paper is divided into three parts. In the first part I provide a description of Aboriginal peoples in urban centres in Canada and Travellers in Ireland. In the second part I review the public policy that pertains to these two groups. In the third part I examine the role of the third sector in service delivery and advocacy for these groups. In the conclusion, I discuss the findings of the comparison of both groups.

## **Aboriginal Peoples in Urban Centres in Canada**

As a group, Aboriginal Peoples residing in Canadian urban centres fare lowest on indicators for longevity, and education, and have higher rates of suicide (Kirmayer et al 2007), addictions, poverty and incarceration (Cardinal 2005; 2006) than the general population. Aboriginal children represent the fastest growing segment of Canada's youth population. They lag behind the Canadian average on socio-economic indicators of health, such as infant mortality and disability rates. Urban Aboriginal children are

approximately twice as likely as non-Aboriginal children to live in single-parent households, to be poor and to have moved in the previous year. They are four times as likely to be born to adolescent parents and to have experienced hunger (Canada 2003, 5). The population of Aboriginal peoples is projected to increase at a greater rate than the total Canadian population. Aboriginal people will make up 4.1 per cent of the Canadian population in 2017, compared to 3.4 per cent in 2001 (Cardinal, 2005). They are at more risk than other groups experiencing poverty because they are subject to racism and social exclusion due to their ethnicity (Quebec, 2008).

The Royal Commission on Aboriginal Peoples (RCAP) reported on “Urban Perspectives” (Canada 1996, Vol 4) and *Aboriginal Peoples in Urban Centres* (Canada 1993) that noted the disparities in services to Aboriginal peoples living in urban centres to the extent that public policies and programs for Aboriginal peoples living in urban centres have been over-looked as a result of disagreements over jurisdiction (Canada 2003, 6). RCAP noted that:

Intergovernmental disputes, federal and provincial offloading, lack of program coordination, exclusion of municipal governments and urban Aboriginal groups from discussions and negotiations on policy and jurisdictional issues, and confusion regarding the political representation of Aboriginal people in cities have all contributed to a situation that has had serious adverse effects on the ability of Aboriginal people to gain access to appropriate services in urban centers (1996 v4, 551).

RCAP identified three main problems urban Aboriginal people encounter due to jurisdictional disputes. First, they receive a lower level of service compared to First Nations on-reserve. Second, they have difficulty accessing provincial programs available to Canadian citizens because provincial governments will not accept responsibility for providing services. Finally, they lack access to culturally appropriate services and services delivered in Aboriginal languages (Graham and Peters 2002, 18; Warry 2007, 19; Hanselmann and Gibbins 2005, 80). Aboriginal people in major urban centres tend to have lower educational levels, lower labour force participation rates, higher unemployment rates, and lower income levels when compared to non-Aboriginal Canadians (Hanselmann and Gibbins 2005, 78).

RCAP also outlined that both provincial and federal governments have responsibilities to provide culturally appropriate services to urban Aboriginal people to maintain a standard of living comparable to that enjoyed by the average Canadian. To achieve this, the Commission advocated for the design and delivery of programs and services by Aboriginal institutions in urban areas. The Commission stated that Aboriginal institutions would improve outcomes, support Aboriginal identity, provide employment opportunities and possibly promote Aboriginal enterprises (Walker 2005, 401). Warry observes that, “RCAP’s most innovative suggestion was that governments set aside land in urban areas to be dedicated to Aboriginal culture and spiritual needs” (2007, 119).

Historically, Aboriginal identity has been compromised because of the intergenerational effects of assimilationist policies, forced adoptions, residential schools, economic marginalization and social exclusion (Castellano et al 2008; Proulx 2003, 128; Warry 2007, 117). Jim Silver (2006) reported on the urban situation by interviewing

about 165 Aboriginal people living in Winnipeg's inner city. Many Aboriginal peoples who shared their stories referred to colonization as eroding their way of life: "The residential schools, the educational system, the police and legal systems, and child and family services stand out as institutions that played a central role in constructing them as the 'other'" (Silver 2006, 36). The residential school experience was a product of the colonial relationship between the Canadian state and Aboriginal peoples in its attempt at forcible assimilation (Kirmayer et al 2007). Residential schools and the irresponsible and dysfunctional parenting that resulted from these experiences are responsible for the issues of alcohol, drug and sexual abuse, family violence and mental abuse confronting Aboriginal peoples (Castellano et al 2008; Proulx 2003; Schouls 2003; Warry 2007). Lawrence (2004) adds that exclusion from treaties and gender bias in disenfranchising women who married non-Aboriginals, excluded Aboriginal peoples from making claims. The passing of Bill C-31 failed to enfranchise women and in some cases limited status to current generations while disfranchising future generations. Clatworthy (2003) adds the Bill-31 had substantial impacts in increasing Aboriginal population growth. The increase to the national population of Registered Indians is estimated at 35 per cent. A significant majority of this short-term growth has occurred as a result of reinstatements and registrations. Much of this growth has accrued to the off-reserve population and has served to increase the size of the off-reserve population by nearly 80 per cent (Clatworthy 2003, 86).

According to Newhouse and Peters, 245,000 Aboriginal people, or 25 per cent of the total Aboriginal population reporting Aboriginal identity, live in 10 of the nations largest cities: Winnipeg, Edmonton, Vancouver, Calgary, Toronto, Saskatoon, Regina, Ottawa-Hull, Montreal and Victoria (2003, 5). There is no single pattern that describes residential locations in urban areas and the Aboriginal identity population tends to have higher poverty and unemployment levels than the population that reports Aboriginal origins but does not identify as Aboriginal (2003, 10). Little is known about migration of Aboriginal people in urban centres, particularly the experiences of women (Jaccoud and Brassard 2003, 131). Over 40 per cent of the Aboriginal population migrated from an urban area to a reserve or community or from a rural or reserve area to an urban centre. This movement, or "churn", suggests that a significant proportion of the urban Aboriginal population maintain ties with their original communities. On the other hand, Graham and Peters (2002) state that high rates of churn can also "work against building community capacity, economic development and the emergence of strong urban Aboriginal community organizations" (Graham and Peters 2002, 20). Gender is attributable to movement as well. Women tend to move as heads of mother-led households while men may move as unattached, economically motivated males (Cooke and Belanger 2006). Therefore, the sharing of cultural traditions remains for the most part with women, in addition to the demands of single parenthood (Anderson 2000, 270).

While the focus of this research centres on the factors that contribute to marginalization of Aboriginal peoples living in urban centres, it must be noted that not all of them live in poverty (Hanselmann and Gibbons 2005). Warry reminds us that: "An important segment of the Aboriginal community are middle- and upper-class professional, entrepreneurs, artists, leaders of service or political organizations, civil

servants, lawyers, consultants, and so on... The urban Aboriginal community is therefore made up of many economic and social layers and interwoven social, economic, and political networks” (2007, 116).

In Summary, not all Aboriginal peoples in urban centres experience poverty, low income and educational levels, but most of them do. Historically, Aboriginal identity has been compromised because of the intergenerational effects of assimilationist policies, forced adoptions, residential schools, economic marginalization and social exclusion. Urban Aboriginals receive a lower level of service in comparison to First Nations on reserve, have difficulty accessing provincial programs, and may not have access to elders or culturally appropriate services.

### **Irish Travellers**

Irish Travellers are estimated to number approximately 27,000, or just over 0.5 per cent of the national population (O’Connell 2002 49). They are considered an indigenous, nomadic group and have been identified as ‘gypsies’, ‘itinerants’, ‘tinkers’ and ‘traders’. They identify themselves as ‘Pavee’ in their argot known as Cant (also known as Gammon or Shelta) (gra 1985) or ‘Irish Travellers’ in English. There is no official origin of Travellers, but the words ‘tinkler’ and ‘tykerie’ appear in Irish records from the 12<sup>th</sup> Century (Ni Shuinéar 2002). Their culture is family-focused and traditionally relied heavily on horses. They generally travelled from town to town, stopping for periods from weeks to months on the side of the road, where they would establish temporary camps. Historically they lived and travelled in covered wagons drawn by horses. In the present day, for the most part, they live in caravans, or they live in housing, mostly in urban centres. Hoare explains: “Nomads, I suggest do not *move* from one ‘place’ to another, as described from the sedentist position, they simply *live* in much larger places than sedentists...the idea of ‘place’ to which nomadic people may be attached (in the sedentist sense) is movement itself” (Hoare 2005, 71).

Travellers fare poorly on every indicator of disadvantage: unemployment, poverty, social exclusion, health status, infant mortality, life expectancy, illiteracy, education and training levels, access to decision making and political representation, gender equality, access to credit, accommodation and living conditions (O’Connell 2002, 49). When individuals are recognised as Travellers: they are arbitrarily refused entry or access to shops, pubs and restaurants; they experience physical and verbal abuse; have difficulty obtaining hall rentals for wedding receptions; they experience segregation in the provision of social welfare services; Traveller children have been segregated into ‘special classes’; some schools refuse to accept Travellers using the pretext of being full; school curriculum largely ignores their identity (O’Connell 2002, 57). Travellers may internalize feelings of inferiority and experience social rejection of Irish society that impinges on Traveller culture that manifests itself in family violence, alcohol abuse and petty crime (MacLaughlin 1998, 430).

Historically, Travellers have been associated with work that featured adaptability, seasonality, and geographical mobility. They played a role in distributing some goods in rural areas when the farming population could not easily travel to town for shopping. After the Second World War the mass consumption of cheap and durable goods replaced

the need of tinsmith, a trade associated with Travellers. The post-war period witnessed an increase in the mechanization of farming equipment and reduced the need for manual labour for the harvesting of crops. Scavenging, begging and odd jobs continued. The collecting, sorting and selling of scrap metal created jobs closer to cities. As a result Travellers became more sedentary and began to travel less, or they travelled for shorter periods of time over shorter routes. The reluctance of Travellers to work for wages is attributable to an identity that does not associate with mainstream economic values and practices: “To wage labour would be to cease to be a Traveller” (Wilson and Donnan 2006, 76). Helleiner dispels the perception of nomadic peoples as egalitarian. Travellers’ social and work relations produced inequalities of class, gender and generation. Accounts of the Traveller economy privilege the entrepreneurial involvement of men while playing down the unpaid contributions of women and children. (Wilson and Donnan 2006; Helleiner 2003). Throughout the twentieth century Travellers have adopted a sedentary way of life, from time to time, where occupations practiced in a sedentary setting suited their economic strategy. Whether travelling or working in a sedentary setting, Traveller identity remained, to the extent that children raised in sedentary settings may choose a nomadic way of life as adults, because travelling is regarded as being ‘in the blood’ (Hoare 2005, 75).

Bhreatnach (2006) traced Traveller/non-Traveller relations from Irish independence to 1970 and found that increasing state regulation and economic ‘modernisation’ contributed to making Travellers problematically ‘conspicuous’. Even though the *School Attendance and Street Trading Acts* of 1926, the *Road Traffic Act* 1933 and the provision of public housing addressed the living conditions Travellers tended to be excluded from these regulations. Travellers were directly affected by the Local Government (Sanitary Services) Act of 1948 in its restriction of public land use. Travellers were never subject to sustained legislative control because the central government had difficulty categorising them and the problems they presented within departmental responsibility. The Departments that were responsible for Travellers included: the Department of Education which was responsible for administering school attendance; the Department of Health was responsible for infectious diseases and sanitation, which affected unauthorised campsites; and the Department of Local Government was responsible for promoting town planning. The nature of Traveller nomadism, accommodation patterns and lifestyle could be affected by many departments but, no department was specifically responsible for Travellers as a specific group. Even as the Department of Local Government and Public Health extended its powers over citizens, ostensibly including nomads, Travellers were ignored (Bhreatnach 2006, 89-90).

The three official government reports on Travellers, *Report of the Commission on Itinerancy 1963*, *Report of the Review Body 1983*, *Report of the Task Force 1995* witnessed a shift in approach, from welfare based in the 1963 and 1983 reports, to rights based in the 1995 report. For Fanning, “The recognition of the importance of concepts of culture, ethnicity, racism and discrimination has entered the debate about the situation of Travellers. This has resulted in a redefinition of the Traveller situation in terms of cultural rights as opposed to simply being a poverty issue” (Fanning 2002, 157). Not all

members of the 1995 Task Force were in agreement with the content of the Report. The minority report (labelled “Addendum” in the *Report of the Task Force*), was signed by four of its eighteen members. The minority report reiterated many of the assimilationist perspectives of the 1963 and 1983 reports.<sup>1</sup> Ethnic recognition for Travellers is supported by the United Nations International Convention on the Elimination of all Forms of Racial Discrimination (ICERD): “The [ICERD] Committee encourages the State party to work more concretely towards recognizing the Traveller community as an ethnic group...And recommends to the State party that it intensify its efforts to fully implement the recommendations of the Task Force on the Traveller community, and that all necessary measures be urgently taken to improve access by Travellers to all levels of education, their employment rates as well as their access to health services and to accommodation suitable to their lifestyle.” (Pavee Point, October 2005).

An IMS public opinion poll (“Republic of Ireland” 2007, 218) on Travellers disclosed that they are not widely accepted in Ireland. Fifty-nine per cent of those surveyed disagreed with the statement that ‘Travellers are unfairly treated by the settled community’. Breakdowns for sex and age kept within a majority in disagreement to the statement. The only difference in opinion was in the breakdown for the region of Dublin, where 49 per cent disagreed, while 46 per cent agreed that ‘Travellers are unfairly treated by the settled community’. A majority of just over half of the respondents agreed that ‘Travellers are more involved in crime than the settled community.’ A majority of respondents (within the 60 to 70 per cent range) agreed that ‘I would not like it if Travellers moved into the house next door to mine’. Of interest, is that respondents were split on their response to ‘Travellers are discriminated against by the settled community’ except in the region of Dublin where the highest number, 56 percent agreed. Over 60 per cent of respondents agreed that ‘Travellers are a separate ethnic group & should be respected’. This reflects the general opinion, except by the government of Ireland, that Travellers are an ethnic group. This public opinion poll demonstrates the distancing, or ‘other’ness of Travellers in relation to the general population.

Accurate data regarding Travellers is not available because data gathering systems fail to identify Travellers (Crowley 2005). Prior to 1996, census records of the Travelling community were based on whether enumerators indicated if those surveyed were or were not Travellers. Only Travellers residing in halting sites and on the roadside were classified as Travellers. This resulted in the underestimation of the Traveller population by approximately 100 per cent. The 2002 census included a question which asked whether or not the person being surveyed was a Traveller. The rejection of proposals by Traveller groups for a census question which allows respondents to identify their own ethnicity could be seen as a struggle for ethnic status (Fanning 2002, 161). According to Pavee Point, a Traveller advocacy association, there is a need for a broader data strategy for the collection, collation, analysis and monitoring of data.

The settlements of sedentarized Travellers are popularly known as ‘Traveller sites’, of which there are several different kinds in the Republic of Ireland, others were established by County Councils to meet the legal requirements of the 1998 *Housing (Traveller Accommodation) Act*. Sites are awarded under licence agreements to ‘compatible’ groups of Traveller families, represented by a senior male figure, following

negotiations over the type of accommodation to be provided and the conditions of occupancy. Hoare explains that “[t]ravellers are at a considerable disadvantage in these processes, and are frequently forced to accept terms, locations or built structures they find repugnant.”<sup>2</sup> In addition, Travellers are subjected to control and restriction which Hoare argues extend beyond that imposed on non-Travellers to the extent that Traveller sites represent ‘places of exclusion as well as of containment.’<sup>3</sup> While accommodating Travellers in housing projects rejects nomadism, the majority of the population do not want Travellers living nearby. Local debates about housing Travellers usually involve discussing whether a community has taken its ‘fair share of Travellers’ (O’Connell 2002, 58).

Lentin and McVeigh (2006) look at anti-Travellerism as a form of racism. The press (Hayes 2006) specifically and the media (Drummond 2006) in general, create an anti-Traveller bias by focusing on Traveller issues of ‘mess’ and ‘cost’ and reporting these events, but refraining to identify these issues when they are attributable to the settled community. According to Lentin and McVeigh, *Irish Times* diarist Kevin Myers has used his ‘Irishman’s diary’ newspaper columns to express his own anti-Traveller racism. Anti-Traveller bias is not confined to one particular sector of Irish society (Helleiner and Szuchewycz 1997). However, the class that emerged out of the prosperity of the Celtic Tiger has an increased anxiety about losing their wealth and has become more preoccupied with crime and receptive to sensationalist crime reporting (Fennell 2007). Richardson found that ‘mess’ and ‘cost’ were core themes in public discourse and that ‘othering’ Travellers on the issue of cost, the general population becomes less concerned with their adverse treatment (2006, 35). Ni Shuinear brings to attention racism in the media and the inadequacy of the justice system to prevail for Travellers. A Mayo County councillor was charged with incitement when during a meeting when he referred to Travellers as pedigree dogs who needed to be tagged so the authorities could keep track of them. A member of the Southern Travellers Justice group made a formal complaint to the Garda (police) after reading reports in the national press where the statement was repeated. He claimed that there had been an escalation of attacks on Travellers as a result of these comments and felt that if the comments had been withdrawn it would have alleviated some of the distress suffered by the Travellers. The politician advocating that all Travellers be electronically tagged became the first person in the country to be tried for incitement, and acquitted (Ni Shuinéar 2002, 189). A Fianna Fail councillor at a Waterford County Council meeting said the following about Travellers, which was published in *The Sunday Independent*: “The sooner the shotguns are at the ready and these travelling people are put out of our country the better” (O’Connell 2002, 55).

In summary, Travellers in Ireland fare poorly in health and longevity, employment, literacy and education. As nomads, Travellers interacted little with society except to beg and to provide assistance to farmers. Since World War Two Travellers became more sedentary and began to travel less, or they travelled for shorter periods of time over shorter routes. The Task Force in 1995 was crucial in shifting its perspectives regarding Travellers from assimilation to cultural rights. Although the government in Ireland is centralized, responsibility for Travellers has been devolved to local

governments. The central government refuses to recognize Travellers as an ethnic group contrary to both ICERD recommendation and the majority of the Irish population. As individuals and as a group Travellers experience discrimination from all sectors of society.

### **Urban Aboriginal Public Policy**

Academic and policy oriented writing about Aboriginal peoples in urban centers occurred from the 1960s to the 1970s in response to rapid migration. In 1959 16.9 per cent of Registered Indians lived off-reserve, which rose to 29.6 per cent in 1981 and to 42 percent in 1996 (Peters 2002, 54). In the 1980s statistical surveys about Aboriginal peoples in Winnipeg, Regina and Saskatoon were conducted by the Institute of Urban Studies, University of Winnipeg. Comparatively little was published on urban Aboriginal people after 1985 (Peters 2002, 55). Statistical surveys published by the Institute of Urban Studies in Winnipeg in the 1990s demonstrated low incomes and high levels of unemployment. The main factors differentiating urban Aboriginal peoples from the urban poor were the services required to adapt to urban life, the degree of their poverty and the extent of their housing needs. Public service organizations were inadequate in meeting the needs of urban Aboriginal peoples because of their assimilationist objectives, limited target groups, unclear mandates, and uncertain funding. The absence of Aboriginal culture in urban life brought Peters to observe, "In this context, urban Aboriginal people become just another socio-economically marginalized group in Canadian inner cities, with no distinct rights, needs, or characteristics" (Peters 2002, 59-60) Urban Aboriginal people who contributed to National Round Table on Aboriginal Urban Issues sponsored by RCAP emphasized the importance of maintaining their cultural identities in urban areas. They also identified "the process of healing from the effects of colonialism on their cultures as a priority for urban residents" (Peters 2002, 61) Urban centres present challenges to traditional sources of Aboriginal culture: contact with the land, elders, Aboriginal languages, and spiritual ceremonies (Peters 2002, 62). The challenge for Aboriginal people is to design their own urban communities that will reflect their cultural origins acknowledging that they may vary from one place to another (Peters 2002; Hanselmann 2002). A major obstacle to the creation of urban communities is the extreme poverty of many urban Aboriginal people (Peters 2002, 65).

Although the federal government created the Urban Aboriginal Strategy (UAS) in 1998, as late as the spring of 2003 no publicly available document specified the actual 'strategy'. The case of Alberta's Strengthening Relationships was identified as the Government of Alberta's Aboriginal policy framework, but it is a co-ordinating framework rather than a systematic approach to urban Aboriginal policy. Saskatchewan's Framework for Co-operation regarding issues affecting Métis and off-reserve First Nations people addresses working with municipal governments, which fails to comprehensively address urban Aboriginal issues (Hanselmann 2003, 170). In the case of UAS homelessness programs in Winnipeg Walker found the UAS funds were allocated to non-Aboriginal organizations that were able to address Aboriginal 'need' rather than allocating funds according to Aboriginal rights of self-determination (Walker 2005, 410). The Federal Interlocutor for Metis and Non-Status Indians is charged with implementing

the UAS, but the Interlocutor has no department in government, no significant budget and no legal authority. In the current strategy (2007 to 2012) the refocused UAS has been allocated \$13 million per year to align with provincial and municipal governments on a 50:50 basis, in the three priority areas of improving life skills, promoting job training and supporting Aboriginal women, children and families (UAS 2009). The current partnered service delivery priority of the UAS supports Hanselmann's observation that the lack of urban Aboriginal planning in the case of UAS is attributable to the refusal of government to accept responsibility for urban Aboriginal policy (Hanselmann 2003, 170).

There are a few federally funded services such as non-insured health benefits and post-secondary educational assistance, are available to Registered Indians generally, no matter where they live. In 2000-2001 the federal government allocated \$293 million to tuition, and other financial assistance for the pursuit of higher education for Inuit, Status Indians living on-reserve and off-reserve under the Post-Secondary Education program. The Department of Indian Affairs and Northern Development devolved the administrative responsibility and funds for the program to First Nations governments, which are reserve-based (Graham and Peters 2002, 7).

The policy capacity and advocacy role to Aboriginal service providers is limited by the following factors: organizations incorporated as charities are restricted by Canadian charities legislation to devoting more than 10 percent of its budget to advocacy; the funding base from provincial and federal governments is uncertain; and reporting and accountability requirements increase the work load of organizations (Graham and Peters 2002, 11). They also noted that the Urban Aboriginal Strategy and the Sgro Task Force call for "horizontal management" on urban Aboriginal issues, without addressing responsibility and specific actions for policy leadership (Graham and Peters 2002, 28).

Hanselmann (2002) interviewed 109 people involved in urban Aboriginal policy-making in six major western cities in 2002. He reported six promising practices for governments, itemized as follows. One, listening to the community: respect Aboriginal planning and process; work with the community agenda; consider Aboriginal community leaders as peers. Two, approach issues holistically: break down the silos; partner with others; common bowl ("everyone puts in what they can and takes out what they need"). Three, allowing flexibility: community-designed initiatives; administrative requirements; discretionary funding; work the system and think outside the box. Four, simplifying application processes: assist applicants in preparing applications; spend time with the clients. Five, recognizing the importance of urban Aboriginal issues: government structures; policy frameworks. Six, cooperating nationally and regionally: intergovernmental efforts; moving beyond jurisdiction (Hanselmann 2002, 7-11). The federal government has failed to take a leadership role in a policy area requiring "significant efforts to develop horizontal policy and program linkages within the federal government and constructive vertical linkages with provinces and municipalities" (Graham and Peters 2002, 28). One option of leadership, recommended by RCAP would be the appointment of a new Minister of Aboriginal Relations, with responsibility for policy leadership on all Aboriginal matters, which would include the urban dimension (Graham and Peters 2002, 29).

More research is required in Aboriginal policy and programming in the following areas. First, horizontal and holistic approaches to urban Aboriginal policy require accountability frameworks that will facilitate non-traditional approaches. Second, innovation for public servants must protect them of endangering their careers if they make a mistake. Third, the need for capacity building among Aboriginal organizations requires financial resources as they become more involved with federal, provincial and municipal governments. Fourth, in comparison to First Nation communities, urban Aboriginal issues are under-resourced (Hanselmann 2003, 174).

Research undertaken by Hanselmann and Gibbons in 2001 showed that governments implement enhanced urban Aboriginal programming in the absence of urban Aboriginal policy (2005, 81). First, there were no policies or programs in the fields of income support and suicide. Second, the four western provinces are not consistent in implementing individual urban development agreements. Third, public servants were unaware of the extent of programs, their effectiveness, efficiency, and whether other sectors were complemented or duplicated. Fourth is the problem of the lack of program and policy frameworks that can be accessed by those in need (Hanselmann and Gibbons 2005, 81-83). “The absence of effective urban Aboriginal voices in the intergovernmental policy process is a matter of concern for all governments and all Canadians, because it impairs the effectiveness and efficiency of public policy” (Hanselmann and Gibbons 2005, 91).

In summary, despite constitutional provisions for Aboriginal peoples, the federal government offers comparatively fewer services off-reserve than on-reserve. The number of Aboriginal peoples migrating to cities has increased significantly in the past fifty years. This witnessed a growth in academic interest which peaked in the mid 1980s. Created in 1998, the UAS provides a case study of the lack of commitment by the federal government to accept responsibility for urban Aboriginal policy. Although there is evidence of community building by Aboriginal peoples, challenges remain in connecting to traditional sources of Aboriginal culture. Urban Aboriginal programs are implemented in the absence of policy and in the absence of urban Aboriginal voices in the policy process.

### **Traveller Public Policy**

The types of accommodation Travellers require are called ‘halting sites.’ Halting sites provide sanitation and other amenities for Travellers. A halting site may include a concrete pitch, bathroom, laundry facilities, hook-up for electricity, garbage collection and a payphone. Accommodation for Travellers becomes a contentious issue because the type of housing provided allows an assessment of whether their nomadism is recognized by the government. Although new units have been built since the Task Force in 1995, it has failed to significantly reduce the numbers of Travellers living in unofficial encampments. A Task Force Monitoring Committee complained that few planned accommodation units for Travellers had been delivered by 2000. Between 1995 and 2000 just over half of the Task Force targets were met.<sup>4</sup> Only 89 families were allocated places on halting sites between 1995 and 2000, despite the Task Force recommendations that 2,200 units be provided (Norris and Winston 2005, 809). In 1995, 15 Traveller

families lived on transient halting sites and this number decreased to 13 families in 2001, even though the Task Force recommended that 1,000 units be provided by the year 2000 (Norris and Winston 2005, 812).

A 'policy implementation deficit' exists between central government policy statements on Traveller accommodation published since 1963 and policy outcomes. Accommodation fails to meet central government targets and fails to reduce the number of Travellers living in unofficial encampments. Secondly, the type of accommodation provided has not met central government recommendations. The Task Force identified the need for over 3,000 halting and transient halting sites and only 89 families were located on halting sites between 1995 and 2000. Norris and Winston identify the local authority as a key obstacle to supplying halting sites for Travellers in their failure to specify implementation details such as exact locations for halting sites, targets and time-scales as stipulated in the Act (Norris and Winston 2005, 813).

Research by the Irish Traveller Movement (2001) revealed that most authorities failed to canvass Travellers' opinions regarding the option of transient halting sites while researching Traveller accommodation programs required by the 1998 Act. Forty percent of the local authorities did not offer any type of options for halting site accommodation and 34 percent of the programs failed to make any provision for transient halting sites (Norris and Winston 2005, 814). The environment created by local inaction has impacted on participation of Travellers in policy implementation. An evaluation of the Local Traveller Accommodation Consultative Committees concluded that members felt they had less input and were not satisfied with the content of accommodation programmes. Many Traveller representatives withdrew from the committee in protest against the 2002 *Housing Act*, which authorized the police to impound caravans parked on unofficial sites (Norris and Winston 2005, 814).

Despite the fact that the centralizing tendencies of government has been to delegate Traveller responsibilities to local government, it has implemented laws that curtail Traveller mobility. The central government delegates responsibility to local government and is unwilling to implement halting sites for Travellers despite the fact that Traveller organizations have advocated for a national agency to oversee the implementation of Traveller accommodation (O'Connell 2006). The government has made it a criminal offence to trespass on and occupy public or private property punishable by immediate eviction, a month in prison and/or €3,000 fine, and the confiscation of property (*The 2002 Housing (Miscellaneous Provisions) Act*) (Crowley 2005, 249).

O'Connell (2006) observes that while Parliament enacted measures as the 1998 *Housing Act* and the 2000 *Equal Status Act* it also refuses to recognise Travellers as an ethnic group and passed the 2002 *Housing Act* without consulting Travellers. Travellers are required to comprise at least one-quarter of the membership of the Local Traveller Accommodation Consultative Committees (LTACC) but they refrain from participating. Any progress by LTACC is duly challenged by the attitude of politicians, the general public and administrative practices (O'Connell 2006). At the local level Traveller organizations have played a major role in assisting Travellers (McDonagh 2006) creating, establishing and informing new policy making. At the time of the Task Force, Traveller

organizations had shifted their focus from a welfare approach to a rights-based approach. The Task Force on the Travelling Community (1996) established three identifying features of Traveller organisations: “they are non-governmental; they involve effective Traveller participation; they are in solidarity with Traveller interests” (Crowley 2005, 250).

In summary, accommodation for Travellers fails to meet the recommendations of the 1995 task force. Although the Irish government is centralist, accommodation for Travellers is a local responsibility and local governments are not implementing legislation. While the 1998 *Housing Act* indicated provision for Traveller accommodation, targets have not been met and there are not enough legal halting sites. When Travellers stop at an unofficial site they are subject to immediate eviction and the harsh penalties of the 2002 *Housing Act*.

### **The Third Sector**

Advocacy groups, as a ‘third sector’ play dual roles in their involvement in the policy process and in program delivery (Young and Everitt 2004). Government solicitation of third party support may reflect weak national support for programs reliant on third parties (Posner 2002). Another question that arises regarding advocacy groups is whether policymakers in these groups consult their client base. Problems of the representation of the community occurs when voluntary sector actors who have policy making skills rely on data for advocacy, rather than turning to their members in order to represent their interests. (Laforest and Orsini 2005).

To promote Aboriginal culture (Peters 2001) and facilitate the increasing number of Aboriginal peoples migrating to urban centres, friendship centres originated in the 1950s. The first friendship centre, the North American Indian Club, was created in Toronto in 1951. By 1968 there were 26 friendship centres across Canada. In 1972 the federal government recognized the National Association of Friendship Centres and in 1983 provided funding to 80 centres through the Secretary of State. In the present there are 114 friendship centres and seven Provincial Territorial Associations (PTAs) (Warry 2007, 113). In 1996 the Department of Canadian Heritage transferred administrative responsibility of the Aboriginal Friendship Centres Program (AFCP) to the National Association of Friendship Centres (NAFC) (Hanselmann et al, 2005). As a charitable organization the NAFC is limited in its ability for advocacy, except for issues related to the friendship centres, and it has no intention to become a political voice for Aboriginal people. The NAFC focuses on needs and operates on a status-blind basis (Dinsdale in Hanselmann et al, 2005). The Ontario Federation of Indian Friendship Centres (OFIFC) identifies problems regarding strategic planning ranging from the fact that government cycles are not conducive to long-term planning, a lack of funding and the reluctance of local centres to engage in evaluations (Graham and Kinmond 2008, 28). Despite its limitations, the OFIFC plays a role in the policy process as an entrepreneur. For example, the OFIFC, the Ontario Native Women’s Association and the Ontario Métis Aboriginal Association are invited ‘to the table’ by Ontario government ministries regarding Aboriginal peoples in urban centres (OFIFC 2007).

The three major Travellers organizations in Ireland are the Irish Traveller Movement, National Traveller Women's Forum and Pavee Point. Traveller organizations have played a major role in creating, establishing and informing new policy making. At the time of the Task Force, Traveller organizations had shifted their focus from a welfare approach to a rights-based approach. The Task Force on the Travelling Community established three identifying features of Traveller organisations: "they are non-governmental; they involve effective Traveller participation; they are in solidarity with Traveller interests." (Crowley 2005, 250) The three major Travellers organizations in Ireland are: Irish Traveller Movement; National Traveller Women's Forum; and Pavee Point. The Irish Traveller Movement (ITM) was established in 1990 and includes over 70 Traveller organizations nationwide. As a national organization the ITM develops alliances at the national level, provides support and solidarity at the local level and challenge "the many forms of individual, structural and institutional racism with which Travellers have to deal" (ITM 2009)

## **Conclusion**

The historical mistreatment of Aboriginal peoples in urban centres in Canada and the conspicuous 'other'ing of Travellers contributes to a failure of recognition by their national governments. The Aboriginal population is growing faster than the non-Aboriginal population in Canada. Most Aboriginal children live in poverty. In urban centres Aboriginal peoples lack access to culturally appropriate services compared to those who live on reserves. Travellers, as a group, have the highest birthrate in Europe and experience poverty. They are discriminated against because of their ethnicity. Community recognition for Travellers is racist, dispersed by a press that profits from Traveller reporting as 'cost' and 'mess' rather than engaging in antiracist discourse.

In the 1990s the government task force in Ireland and RCAP in Canada adjusted their focus toward accommodating Travellers and Aboriginal peoples and their cultures. In Ireland, the Task Force made recommendations for an increase in the number of new halting sites. In response, local authorities abandoned their responsibility for halting sites. Travellers withdrew from their consultative duties in response to the 2002 *Housing Act* which curtailed trespassing on private and public property. RCAP recommendations for urban initiatives have not transpired to the extent that the federal policy and legislation neglects to reach to urban centres where over half of all Aboriginal people in Canada live. Provincial programs exist in varying sectors to provide services for Aboriginal peoples where federal programs are nonexistent, but few of these programs are culturally appropriate.

Although statistics exists for both groups, more accurate recording is required. This is due to the problem of locating Aboriginal peoples due to movement, or churn, from urban centres to their reserve communities. For Travellers it is dependent upon recording cultural criteria that only commenced in their national census in 2002. As reporting improves for both these groups, present indicators show that their numbers will increase.

Further research should address policy communities for Travellers and urban Aboriginal peoples and the extent to which they facilitate cultural recognition. In regards

to the role of the voluntary sector, research should address their role of advocacy in the policy process.

## Notes

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<sup>1</sup> “From this perspective it was argued that the hostility of the settled community to Travellers was justifiable. The minority report claimed that the ‘vast majority of the settled community are appalled at the prospect of a traveller halting site next to them and the arrival of a group of travellers in an area usually provokes panic and fear among the settled community’. In common with the 1963 report, it identified assimilation as the price of social membership and social inclusion. The minority report stated that ‘it must be recognised that the traveller community, in common with any marginalised minority, cannot make the transition to full citizenship unless the majority population, whose values society reflects, makes the space available for that transition to take place’. It opposed any measures to address the marginalisation to Travellers that challenged the effective veto of settled communities. The views set out in the minority report explained, to an extent, the resistance of the Task Force to recognising Traveller ethnicity” (Fanning 2002, 158).

<sup>2</sup> “The decision by a local authority to create a residential settlement for the tenure of an existing residential group of allied or related families may result from a court ruling in favour of the group, following attempts to eject them from an informal settlement where they have become established and where the land occupied is subsequently earmarked for development... Travellers provide their own living accommodations on some sites, in the form of trailers or chalets. In other cases local authorities construct ‘service units’, consisting of a small brick structure per family ‘bay’, containing a kitchen, bathroom and toilet, and each family uses one or two trailers for sleeping. Some sites have houses for each family, and the keeping of trailers is then strictly prohibited. Such conditions confirm the official policy to impose ‘permanent’ sedentarization on site residents. In both the Republic of Ireland and the UK, sites are situated in isolated, peri-urban or rural situations that would be considered unsuitable for standard local authority housing, because, for instance, of their proximity to busy roads or rubbish dumps, and the absence of nearby shops, pavements or street lighting” (Hoare 2005, 73-74)

<sup>3</sup> They are invariably bounded by walls, banks or fences to inhibit expansion. Sites are provided with a single entrance (i.e. no means of escape) and are always subject to special monitoring and surveillance. In the Republic of Ireland this takes the form of commercial security firms or retired Gardai as daily visiting wardens. This brief outline of site conditions conveys the essential physical features of typical Traveller settlements, and the pronounced political control to which many Travellers’ daily lives are subject.” (Hoare 2005, 74)

<sup>4</sup> “Only 407 additional local authority tenancies and 79 additional group-housing tenancies were allocated to Travellers during this period, although output of these dwellings did increase substantially during 2001 and 2002 such that the total output for the period 1995 to 2002 was only 45 below the Task Force target. Despite a growth in the size of the Traveller population, the number of families living in unofficial encampments declined post-1999 due to this increased availability of local authority housing. However the pattern of provision is unexpected given that the numbers of households on waiting lists for social housing doubled between 1991 and 2002. It is reasonable to assume that Travellers should have experienced greater difficulties in accessing local authority housing at the end of decade than at the beginning” (Norris and Winston 2005, 809).

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