

Re-assessing the Population Impacts of Bill C-31

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Preface

This study was prepared for the Strategic Research and Analysis Directorate of Indian and Northern Affairs Canada to explore the short and longer-term population impacts of the 1985 amendments to the Indian Act (Bill C-31). The projection models developed for this study employ a new projection methodology and revised assumptions concerning future migration patterns, rates of out-marriage, Bill C-31 registrations and fertility. As such, the projection results reported in this study may differ from those of other projections prepared recently for the department.

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Summary

The 1985 amendments to the Indian Act (widely known as Bill C-31) introduced a number of important changes affecting First Nations populations. Bill C-31 allowed for the reinstatement of Registered Indian status to individuals who lost their status under certain conditions of the old Indian Act, mostly women who married non-Registered Indian men, and the “first time” registration of their children. Bill C-31 also allowed for entitlement to Indian registration for children born to a Registered Indian on or after April 17, 1985 (under certain sub-sections of Section 6).

This study focuses on the short and long term population impacts associated with these changes and estimates the population impacts that could result from specific theoretical changes to the way registry status is assigned under the Indian Act. The study poses the question, *What would happen to the population that is eligible for registration if the rules of Bill C-31 were applied similarly for the Bill C-31 and pre-Bill C-31 populations?*

Claims have been made that Bill C-31 did not apply the rules of Section 6 equally to those who were on the Indian Register at the time of Bill C-31's enactment (i.e. the pre-Bill C-31 population) and those who (re)acquired registration under Bill C-31 (i.e. the Bill C-31 population). All members of the pre-Bill C-31 population (i.e. those who were entitled to registration under the old Act) were assigned registration under Section 6(1). For those not entitled or removed under the old Act, the rules of Section 6 are applied retroactively, resulting in some individuals entitled to registration under Section 6(1) and others entitled to registration under Section 6(2) (i.e. if they had one parent entitled to registration under Section 6(1) and one parent not entitled to registration). The retroactive application of the new registration rules to the Bill C-31 population is one basis for the claim that Bill C-31 continues to discriminate against the descendants of women who were removed from the register through marriage to a non-Indian.

The following represent the main findings of this report:

- Between 1985 and 1999, changes introduced by Bill C-31 have resulted in incremental growth in the population entitled to Indian registration of about 174,500 individuals. This represents a population increase of about 35 percent over that expected under the rules of the old Act. Most of this growth has occurred through reinstatements and registrations (106,781 individuals) and

children born since Bill C-31 who would not have qualified under the old Act (59,798 individuals). About 70 percent of “Bill C-31 induced growth” is estimated to have occurred off reserve.

- Most of Bill C-31's changes that contributed to growth in the Registered Indian population during the 1985-1999 period are expected to continue to enhance growth in the future. Bill C-31 is expected to increase growth in the population entitled to Indian registration for about two more generations (50 years), adding an additional 327,700 individuals (in relation to the old Act) for a total maximum growth of about 1.08 million. Growth on reserve is expected for about 65 years, producing a peak population of about 811,000 individuals. Growth off reserve is expected to occur for about 20 years, producing a peak population of about 317,000 individuals.
- After two generations, Bill C-31 inheritance rules (in concert with out-marriage) are expected to result in a rapid decline in the population entitled to registration. Those non-entitled to registration are expected to begin to outnumber those entitled to registration in about three generations. Projection trends suggest that sometime around the end of the fifth generation, no further children will be born with entitlement to Indian registration.
- If the rules of Bill C-31 were applied similarly for the Bill C-31 and pre-Bill C-31 populations, such that Bill C-31 registrants and their children born prior to Bill C-31 were registered under Section 6(1), an additional 60,700 individuals (a 9 percent increase) would gain entitlement to registration immediately, including about 4,900 on reserve and 55,800 off reserve. In relation to the status quo, incremental growth in the population entitled to registration would occur for about two generations adding a further 126,200 people to the eligible population (a 12 percent increase). Most of the incremental growth projected for this period would occur during the first generation (25 years) and would be concentrated off reserve.

1. Introduction

The 1985 amendments to the Indian Act (widely known as Bill C-31) introduced a number of important changes affecting First Nations populations in Canada. Bill C-31 introduced three main provisions, including:

- the reinstatement of Registered Indian status to individuals who were removed from the Indian Register by the rules of prior versions of the Act and the “first time” registration of their children;
- new rules governing entitlement to Indian registration for all children born to a Registered Indian parent on or after April 17, 1985 (Section 6); and
- the opportunity for individual First Nations to establish their own rules governing membership (i.e. band membership rules).

While each of these changes has the potential to greatly influence First Nations populations and communities, this study focuses on the short and long term population impacts associated with the initial two provisions: Bill C-31 reinstatements and registrations and the new rules governing entitlement to Indian registration. In this regard, the study’s objectives are threefold, including:

- documenting the nature and scale of changes to the Registered Indian population which are attributable to Bill C-31 from its adoption to December 31, 1999;
- projecting the future population entitled to Indian registration over the course of the next four generations; and
- estimating the potential short and long term population impacts of specific theoretical changes to Bill C-31's registration rules.

The remainder of this report is structured into four sections. Section 2 identifies and describes the main sources of statistical data which are used in the study. Section 3 provides a discussion of the key changes to the rules governing Indian registration introduced by Bill C-31 and how these rules differ from those of the pre-C-31 Indian Act. This section also presents statistical data and analysis of the population changes which have occurred to December 31, 1999, as a consequence of these changes. Select results from a series of models designed to project the future population entitled to Indian registration under the rules of Bill C-31 are presented in Section 4.

This section also provides estimates of the short and long term population impacts associated with specific theoretical changes to Bill C-31's registration rules.

2. Main Sources of Data

Several data sources have been used to track registration activity under Bill C-31, to document the demographic characteristics of the Registered Indian population and to support construction of the projection models. The main sources of data employed in the study are discussed briefly below.

2.1 Bill C-31 Applicant Data Base

Indian and Northern Affairs Canada (INAC) maintains a C-31 applicant data base (Reinstatement of Status Information System (RSIS)), from which periodic summary reports of application and registration activity are produced. Annual summary reports (known as S4 reports) have been used in this study for purposes of tracking the annual number of Bill C-31 applicants and registrations over the 1990-1999 period and the cumulative number of applicants and registrations for the 1985-1999 time period. Data contained in the S4 reports are structured by province/region, but not by on/off reserve residency.

2.2 The December 31, 1999 Indian Register

Data contained in the Indian Register have been used extensively in this study for purposes of documenting the demographic and registration characteristics of the population. The Indian Register contains a Bill C-31 'flag' and can also be used to identify the number and characteristics of individuals registered under the provisions of Bill C-31. As there are some administrative delays associated with adding Bill C-31 registrants to the Indian Register, population counts on the Register do not match those derived from the RSIS data base.

To support the analyses and projections, a custom data file was constructed from the Indian Register. The file was structured to link all Registered Indians with their parents and contained the following variables:

- date of birth
- creation date (date that record was added to the Register)
- active status (active, deceased, presumed deceased)
- gender
- Bill C-31 registration status

- Section 6 registry detail
- band affiliation
- location of residence (on/off reserve)
- mother's and father's date of birth
- mother's and father's creation date
- mother's and father's active status
- mother's and father's Bill C-31 registration status
- mother's and father's Section 6 registry detail
- mother's and father's band affiliation
- mother's and father's location of residence (on/off reserve)
- father's identification status (identified or unstated)

In addition to supporting analysis of the demographic characteristics of the Registered Indian population (and the Bill C-31 component of this population), the file allows for analyses of the parenting patterns and fertility characteristics of the population.

2.3 Mortality, Fertility and Migration Parameters

The projection models developed for this study incorporate, among other things, fertility, mortality and migration between on- and off-reserve locations. The on/off reserve migration estimates used in the study derive from analysis of Registered Indian migration flows reported in the 1996 Census of Canada. These migration estimates were also used in the recent set of population projections prepared by Statistics Canada for INAC (Loh et al, 1998). The projections reported in this study also use the most recent set of Registered Indian survival ratios developed by Statistics Canada. Total fertility rate projections for the Registered Indian population (also developed by Statistics Canada) are used in the study's projection models to adjust future age-specific birth rates.¹

¹ The fertility parameters used in the projections developed for this study have been constructed using statistical data contained on the customized Indian Register file described above. The Statistics Canada fertility projections are used to adjust these parameters for anticipated future declines in Registered Indian fertility. These refinements are described more fully in a technical report entitled "**A Revised Model for Projecting the Long-Term Population Implications of the 1985 Amendments to the Indian Act**".

3. Population Impacts of Bill C-31: 1985-1999

While data concerning the number of individuals reinstated or registered under Bill C-31 are readily available, measuring the population changes attributable to Bill C-31 solely in terms of Bill C-31 registrations captures only a part of the impacts. In order to assess the broader changes associated with Bill C-31, it is necessary to understand how the new rules of Bill C-31 differ from those which operated under the previous Act.

3.1 Key Clauses of the Old Act Changed by Bill C-31

One of the main purposes of Bill C-31 was to eliminate those clauses of the Act that discriminated against Indian women. These clauses are found in Sections 11 and 12 of the 1951 Indian Act and were in force up to the time that Bill C-31 took effect (April 17, 1985). The key clauses of Sections 11 and 12 that were altered by C-31 are identified below:

11(1) Subject to Section 12, a person is entitled to be registered if that person:

- (c) is a male person who is a direct descendant in the male line of a male person described in paragraph (a) or (b);²*
- (d) is the legitimate child of*
 - (i) a male person described in paragraph (a) or (b), or*
 - (ii) a person described in paragraph (c);*
- (e) is the illegitimate child of a person described in paragraph (a), (b) or (d): or*
- (f) is the wife or widow of a person who is entitled to be registered by virtue of paragraph (a), (b), (c), (d), or (e).*

12(1) The following persons are not entitled to be registered, namely,

² Sub-sections 11(1) (a) and (b) of the 1951 Indian Act protected the rights to Indian registration of those eligible under the 1874 legislation (Section 11(1)(a)) and those who were Band Members (Section 11(1)(b)) pursuant to the 1874 legislation.

- (a) *a person who*
- (iii) *is enfranchised, or*
- (iv) *is a person born of a marriage entered into after the 4th day of September 1951 and has attained the age of twenty-one years, whose mother and whose father's mother are not persons described in paragraph 11(1)(a), (b), or (d) or entitled to be registered by virtue of paragraph 11(1)(e), unless, being a woman, that person is the wife or widow of a person described in Section 11, and*
- (b) *A woman who married a person who is not an Indian, unless that woman is subsequently the wife or widow of a person described in Section 11.*

12(2) *The addition to a Band List of the name of an illegitimate child described in paragraph 11(1)(e) may be protested at any time within twelve months after the addition, and if upon the protest it is decided that the father of the child was not an Indian, the child is not entitled to be registered under that paragraph.*

When stripped of legalese, Section 12 of the old Act excluded or authorized the removal from the register of:

- women who married non-Indian men;
- the descendants of these marriages;
- illegitimate children of Indian women and non-Indian men, who could be removed only by successful protest within 12 months of registration, and
- people whose mother and father's mother were both non-Indian (also known as the "*double mother*" clause).

In contrast to Section 12, Section 11 provided the ability for Indian men (subject to the "double mother" provision) to transmit entitlement to Indian registration to any of their children, regardless of the child's mother and without the considerations of marriage. In addition, Section 11 provided for the non-Indian wives of Indian men to acquire Indian registration through clause 11(1)(f).

Operating in conjunction, Sections 11 and 12 of the old Act, effectively established a system of inheritance in which entitlement to Indian registration was passed through the male line.³

3.2 Entitlement to Indian Registration Under Bill C-31

Bill C-31 completely changed the rules governing entitlement to Indian registration. Since Bill C-31, individuals can qualify for Indian registration under one of two clauses contained in Section 6, as identified below:

Section 6(1), where both of the individual's parents are (or are entitled to be) registered; and

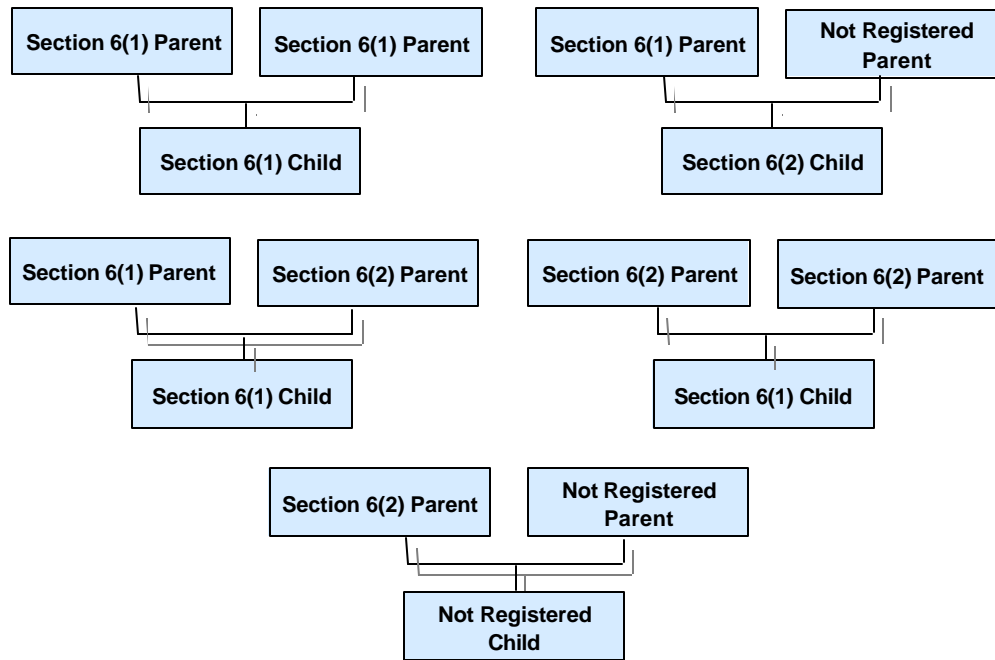
Section 6(2), where one of the individual's parents is (or is entitled to be) registered under Section 6(1) and the other parent is not registered.

Figure 1 illustrates the inheritance rules of Section 6 in relation to various parenting combinations involving Indians registered under Section 6(1) and 6(2) and non-Indians.⁴ These rules imply that patterns of Indian/non-Indian parenting will greatly influence the future population entitled to Indian registration. Parenting between Indians and non-Indians (which we refer to as **out-marriage**) over two successive generations results in loss of entitlement to Indian registration for off-spring of the second generation.

³ The system of inheritance of Indian registration through the male line precedes the 1951 Indian Act. Jamieson (1978) traces this system back to Indian Act legislation enacted in 1969.

⁴ The inheritance rules contained in Section 6 of Bill C-31, are effectively the same as a gender neutral version of the "double mother" clause contained in the prior Act.

Figure 1
Section 6 Entitlement of Children Born to Various Parenting Combinations



3.2.1 Application of Section 6

In order to understand the application of the new rules, it is important to distinguish among three population groups. For discussion purposes we refer to these groups as:

the **Pre-Bill C-31 Population**, including all those who were on the Indian Register as of April 16, 1985;

the **Bill C-31 Population**, including all those who were born on or before April 16, 1985 and who were not on the Register at that time but have (re)acquired registration under Bill C-31; and

the **Post-Bill C-31 Population**, including all those who have been born since April 16, 1985.

The claim has been made that Bill C-31 does not apply the rules of Section 6 to these populations equally. To illustrate this, it is necessary to provide a more detailed description of the sub-clauses contained in Section 6. Section 6(1) contains six sub-sections, 6(1)(a) to 6(1)(f). Section 6(1)(b) relates to people registered to bands newly created after 1985 and is not pertinent to our discussion. The remaining sub-sections of Section 6(1) and the populations entitled to registration under these sub-sections are listed below:

Section 6(1)(a), applies to all persons actually registered (or entitled to be registered) as of April 16, 1985, including those who were entitled to registration from birth as well as those (women) who acquired registration through marriage to an Indian male under the provisions of the 1951/56 Act;

Section 6(1)(c), applies to those persons who became entitled to registration under Bill C-31 because they were removed from the Register as a result of their (or their mother's) marriage to a non-Indian prior to April 17, 1985;

Section 6(1)(d), applies to men (and their wives and children) who became entitled to registration under Bill C-31 because they were removed from the Register through "voluntary" enfranchisement;

Section 6(1)(e), applies to persons (men and women) who became entitled to registration under Bill C-31 because they were removed from the Register for residing outside of Canada for more than five years prior to 1951, or for joining a profession or obtaining a university degree prior to 1920.

Section 6(1)(f), applies to persons, both of whose parents are (or would be) entitled to registration under Bill C-31, including persons born prior to April 17, 1985 who became eligible for registration as a result of the changes introduced by Bill C-31, as well as persons born on or after April 17, 1985 who have two Registered Indian parents;

Under the provisions of Bill C-31, because government did not wish anyone to lose rights, all members of the Pre-Bill C-31 population were assigned registration under Section 6(1)(a). In effect, this population reflects that group entitled to registration under the application of rules equivalent to those of the 1951/1956 Act.

For those not on the Register as of April 16, 1985 (i.e. the Bill C-31 population), the inheritance rules of Bill C-31 are applied retroactively. This results in some individuals entitled to registration under Section 6(1) (c to f) (if they were previously removed from

the Register or have (or had) two parents entitled to registration under Section 6), some registered under Section 6(2) (if they had one parent entitled to registration under Section 6(1) and one parent not entitled to registration) and some who are not entitled to register (if one parent is registered under Section 6(2) and the other is not entitled to registration).

Entitlement to Indian registration for all individuals born on or after April 17, 1985 (i.e. the post Bill C-31 population) is determined according to the new inheritance rules (Section 6) of Bill C-31. All individuals within the post Bill C-31 population can be registered under one of two sub-sections, Section 6(1)(f) if both parents are registered or Section 6(2) if one parent is registered under Section 6(1) and the other parent is not registered.

The retroactive application of Bill C-31's inheritance rules to the population not on the Register as of April 16, 1985 (i.e. **the Bill C-31 population**) is one basis for the claim that Bill C-31 continues to discriminate against the descendants of women who were removed from the Register through marriage to a non-Indian. An hypothetical example, adapted from Smith (1991), may serve to illustrate the nature of some of the issues involved in the claim.

Consider the case of a brother and sister, both of whom are registered as Indians at birth, both married non-Indians and had children. The brother's wife became registered and their children are registered under Section 6(1) of Bill C-31. They have this registration status whether born before or after 1985. The sister was removed from the Register as a result of her marriage and her children were not registered before 1985. The sister and her children are eligible for registration under Bill C-31. The sister is a 6(1)(c), however, her children are registered as 6(2). The descent rules of Bill C-31 are applied to them and their 6(2) registration follows because they have one parent (their mother) registered under Section 6(1) and one parent who is not registered (their father). The result of this is that the brother's children have the ability to "pass" entitlement to registration to their children (regardless of whom they "marry"). In contrast, the sister's children have the ability to "pass" entitlement to their children, only if they "marry" registered Indians.

3.3 Components of Growth Attributable to Bill C-31

The changes that were introduced by Bill C-31 lead to the potential for incremental growth in the Registered Indian population (in relation to the pre-Bill C-31 context) from four main sources. These sources of growth include:

- reinstatements and registrations;
- children born to Bill C-31 and pre-Bill C-31 registrants after April 16, 1985 (who prior to Bill C-31 would not have been entitled to Indian registration);
- Indian women who have not been removed from the Register since April 17, 1985 as a result of marriage to (or parenting with) non-Indian men; and
- Indian children who were not removed from the Register as a result of the marriage of their mother to a non-Indian since April 17, 1985.

One other change introduced by Bill C-31 has the potential to reduce population growth (in relation to the pre-Bill C-31 context). As a non-Indian woman can no longer acquire Indian registration through marriage to an Indian man, growth in the population through this source is no longer applicable.

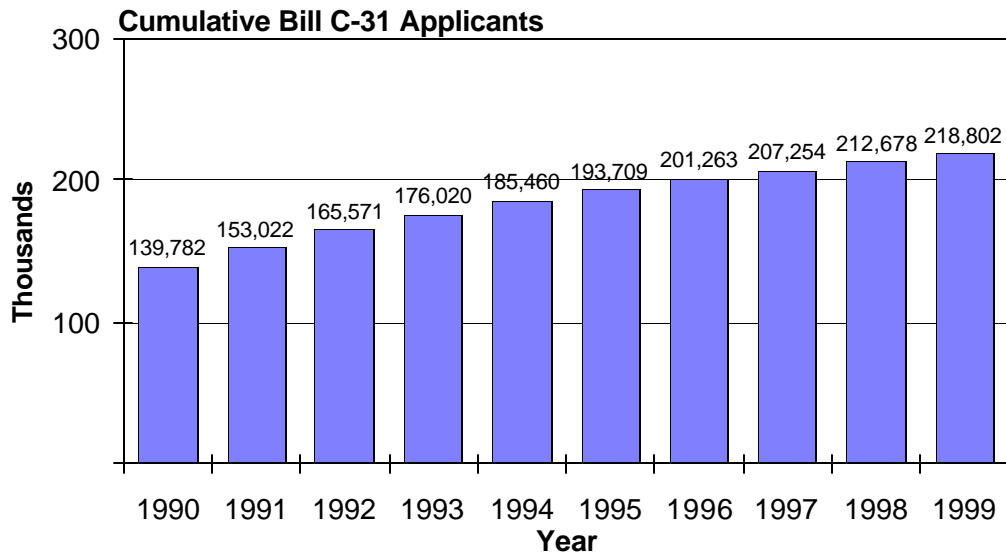
Tabulation and analysis of Indian Register data allow us to estimate the approximate contribution of each of the factors to changes in the size of the Registered Indian population from 1985-1999. The following sub-sections of the report present data and analyses which estimate the population impacts associated with each of these factors.

3.3.1 Bill C-31 Reinstatements and Registrations

As noted in Section 2 of the report, data concerning registrations under Bill C-31 are contained on both the Reinstatement of Status Information System (RSIS) and the Indian Register. The former system provides not only counts of registrations, but also counts of applications and applicants for registration. Figures 2 and 3 illustrate the cumulative and annual patterns of applicants for registration under Bill C-31. As of December 31, 1999, applications relating to 218,802 individuals had been filed with INAC, an increase of more than 79,000 over those received 9 years earlier. Figure 2, which illustrates the annual trend in new applicants over the 1990-1999 period, reveals

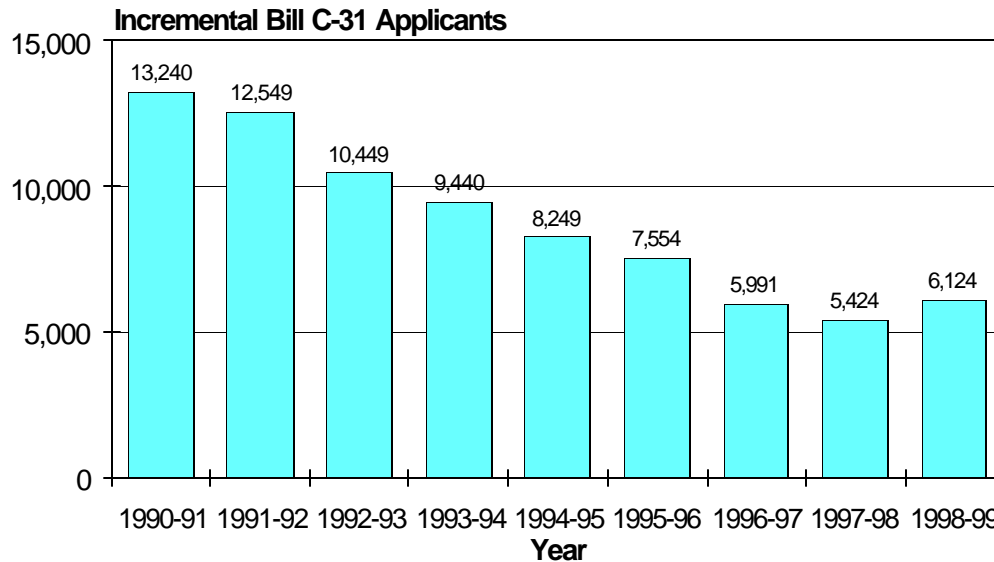
a significant reduction in new applicants. During the past three years, new applicants have averaged about 5,850 annually, considerably less than one-half of the number received annually at the outset of the decade. Further declines in the numbers of new applicants are expected in the future.

Figure 2
Cumulative Applicants for Registration Under Bill C-31, Canada, 1990-1999



Source: S4 Reports, 1990-1999.

Figure 3
Annual Applicants for Registration Under Bill C-31, Canada, 1985-1999

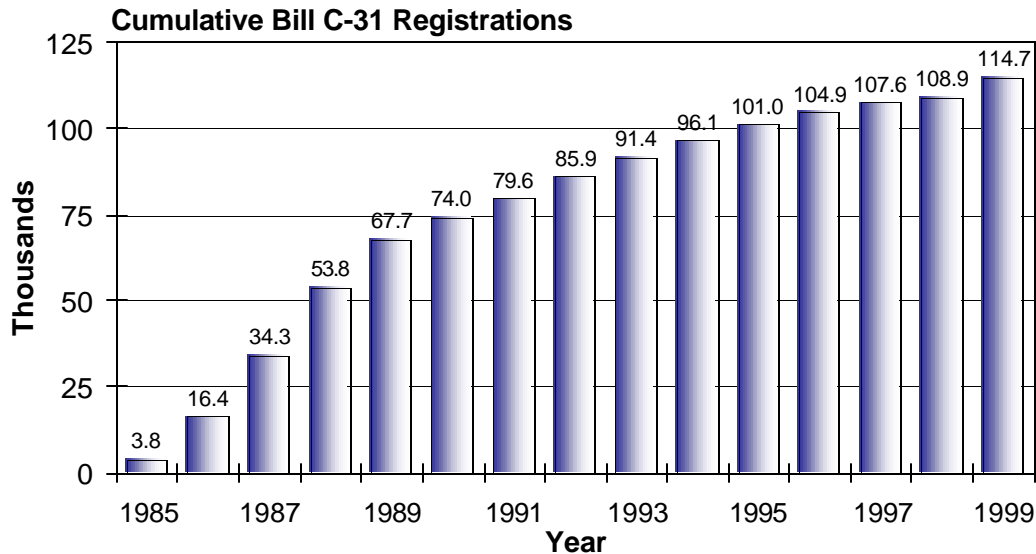


Source: S4 Annual Reports, 1990-1999.

According to data compiled from the RSIS file, roughly 114,700 individuals had been registered under the provisions of Bill C-31 to December 31, 1999.⁵ Figure 4 illustrates the cumulative trend in Bill C-31 registrations over the 1985-1999 period. Apparent in the trend is a general slow down in the number of new Bill C-31 registrations over the time period. New registrations over the course of the last three years (1997-1999) have averaged about 2,350 annually, less than one-half the number reported annually at the outset of the decade. As in the case of new applicants, the number of new registrations under Bill C-31 is also expected to continue to decline in the future.

⁵ The actual number of registrations reported on the 1999 S4 report is 123,964. This number, however, includes 9,220 individuals registered under Section 6(1)a. Most of these individuals were entitled to registration under the previous Act and are not considered to be part of the Bill C-31 population.

Figure 4
Cumulative Registrations Under Bill C-31, Canada, 1990-1999

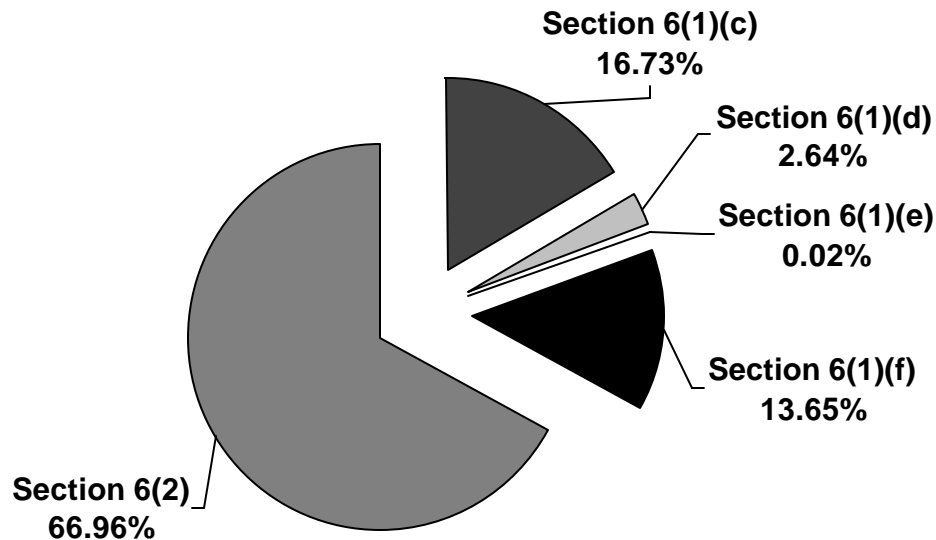


Source: Annual S4 Reports, 1985-1999.

Section 6 Composition of the Bill C-31 Population

Figure 5 illustrates the distribution of surviving Bill C-31 registrants according to the sub-section of Section 6 (i.e. Section 6 registry detail) under which they have been registered. As revealed in the figure, most individuals registered under Bill C-31 have been registered under one of three Section 6 sub-sections. The two largest groups of registrants include individuals registered under Section 6(1)(c) and Section 6(2). Those registered under Section 6(1)(c) include the women who were removed from the register through marriage to a non-Indian and the children who were removed from the register along with their mother. As of December 31, 1999, this group of registrants formed about 17 percent of the surviving Bill C-31 population. Individuals registered under Section 6(2) formed about two-thirds (67 percent) of the surviving Bill C-31 population. This population is comprised primarily of children born to Indian women after they were removed from the register by marriage to a non-Indian.

Figure 5
Section 6 Registration Status of Bill C-31 Registrants, Canada, 1999



Source: Indian Register, December 31, 1999.

Individuals registered under Section 6(1)(f) formed about 14 percent of the Bill C-31 population. These individuals have two parents entitled to registration and include the off-spring (born prior to April 17, 1985) of two parents who were entitled to registration under the provisions of Bill C-31.

The remaining Bill C-31 population (about 3 percent of the total) is registered under Sections 6(1)(d) and 6(1)(e). The comparatively small size of these groups reflects, in part, the timing of the events which led to their removal from the register. In the case of those registered under Section 6(1)(e), their removal from the register was based on clauses of the Act which existed prior to 1920. Those registered under Section 6(1)(d) were removed from the register as a result of clauses which applied prior to 1951.

Regional Distribution and On/Off Reserve Residency

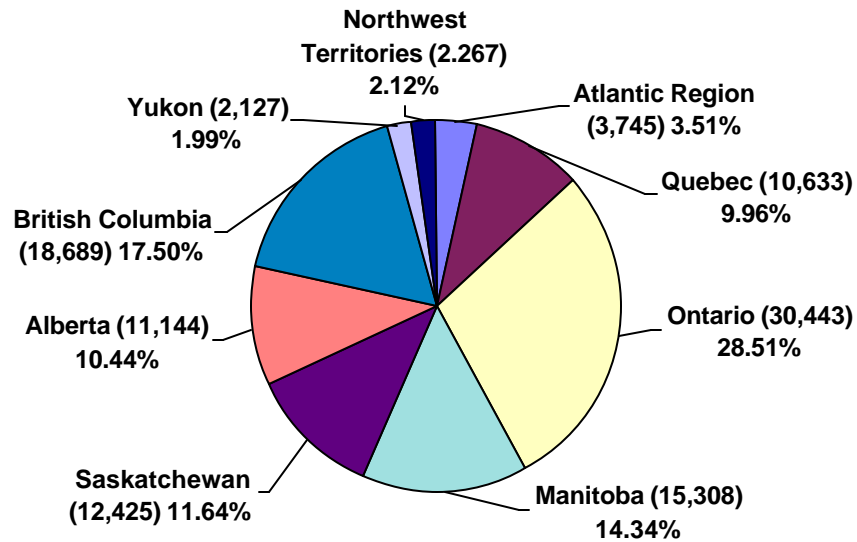
Table 1 displays data from the Indian Register concerning the distribution of surviving Bill C-31 registrants by province/region of residence and residence on and off reserve. The regional distribution of the surviving Bill C-31 population is illustrated in Figure 6.

Table 1
Distribution of Registered Indian Population by Bill C-31 Status, Location of Residence and Province/Region, Canada, 1999

Population	Atlantic Region	Quebec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Yukon	Northwest Territories	Canada
Bill C-31	3,745	10,633	30,443	15,308	12,425	11,144	18,689	2,127	2,267	106,781
On Reserve	1,027	2,480	3,235	4,423	1,283	1,577	4,434	699	129	19,287
Off Reserve	2,718	8,153	27,208	10,885	11,142	9,567	14,255	1,428	2,138	87,494
Non-Bill C-31	22,021	51,548	119,069	88,199	90,149	71,359	89,666	5,144	12,359	549,514
On Reserve	15,722	41,399	72,935	64,279	51,423	53,296	52,335	3,029	10,594	365,012
Off Reserve	6,299	10,149	46,134	23,920	38,726	18,063	37,331	2,115	1,765	184,502
Total	25,766	62,181	149,512	103,507	102,574	82,503	108,355	7,271	14,626	656,295
On Reserve	16,749	43,879	76,170	68,702	52,706	54,873	56,769	3,728	10,723	384,299
Off Reserve	9,017	18,302	73,342	34,805	49,868	27,630	51,586	3,543	3,903	271,996
Bill C-31 Share	14.5	17.1	20.4	14.8	12.1	13.5	17.2	29.3	15.5	16.3
On Reserve	6.1	5.7	4.2	6.4	2.4	2.9	7.8	18.8	1.2	5.0
Off Reserve	30.1	44.5	37.1	31.3	22.3	34.6	27.6	40.3	54.8	32.2
Share of Bill C-31	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
On Reserve	27.4	23.3	10.6	28.9	10.3	14.2	23.7	32.9	5.7	18.1
Off Reserve	72.6	76.7	89.4	71.1	89.7	85.8	76.3	67.1	94.3	81.9

Source: Unadjusted Indian Register, December 31, 1999.

Figure 6
Distribution of Surviving Bill C-31 Registrants by Province/Region, Canada, 1999



Source: Unadjusted Indian Register, December 31, 1999.

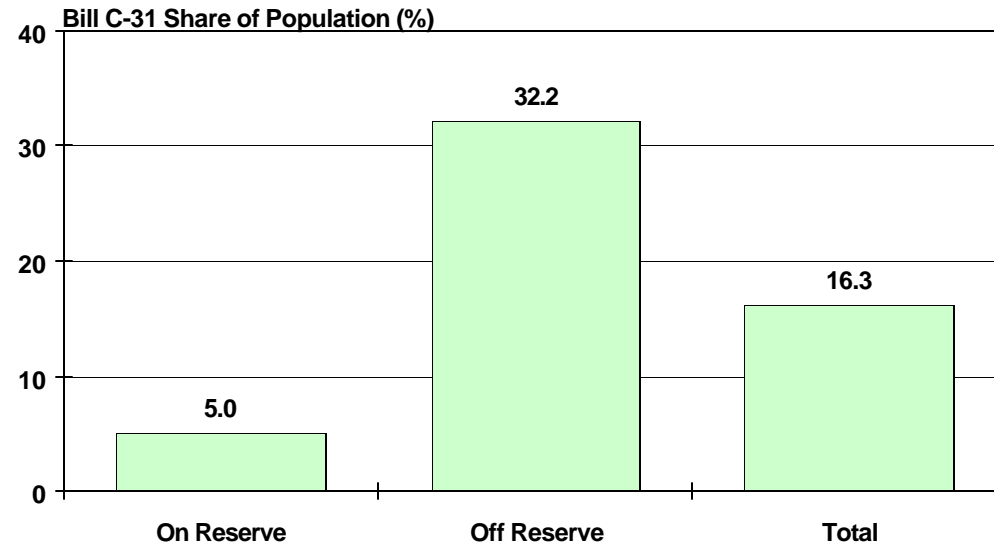
Not surprisingly, those provinces/regions with larger Registered Indian populations also report larger populations registered under Bill C-31. Ontario and British Columbia account for about 29 percent and 18 percent of the total Bill C-31 population, respectively. About 36 percent of the total resided in the Prairie provinces. Quebec, the Atlantic region and the Yukon and Northwest Territories accounted for about 10, 4 and 4 percent of the total, respectively.

As noted in several earlier studies, a large majority of the Bill C-31 population was reported by the Indian Register to be living off reserve in all provinces/regions. As of December 31, 1999, off-reserve residents formed nearly 82 percent of the total Bill C-31 population.⁶ Regionally, the off-reserve component of the Bill C-31 population ranged from 67 percent in the Yukon to 94 percent in the Northwest Territories.

As illustrated in Figure 7, Bill C-31 registrants formed a minority of the Registered Indian population both on and off reserve. At the national level, the Bill C-31 population accounted for about 16 percent of the total Registered Indian population, 32 percent of the off-reserve population and about 5 percent of the on-reserve population. Bill C-31 residency on reserve tended to be most common in the Yukon (19 percent of the on-reserve population), British Columbia (8 percent), Manitoba (6 percent), the Atlantic region (6 percent), Quebec (6 percent) and Ontario (4 percent). In relation to other regions, the Bill C-31 population formed a much smaller share of the population residing on reserve in Saskatchewan (2 percent) and Alberta (3 percent).

⁶ The definitions of on- and off-reserve residency used in this study are those of the Indian Register. In the case of the Yukon and Northwest Territories, many Indian settlements do not have reserve status and their residents are recorded on the Indian Register as living off reserve. To some extent, the concentrations of C-31 residents off reserve in these regions are affected by the “non-reserve” status of Indian settlements in these regions.

Figure 7
Bill C-31 Share of Registered Indian Population, Location of Residence,
Canada, 1999



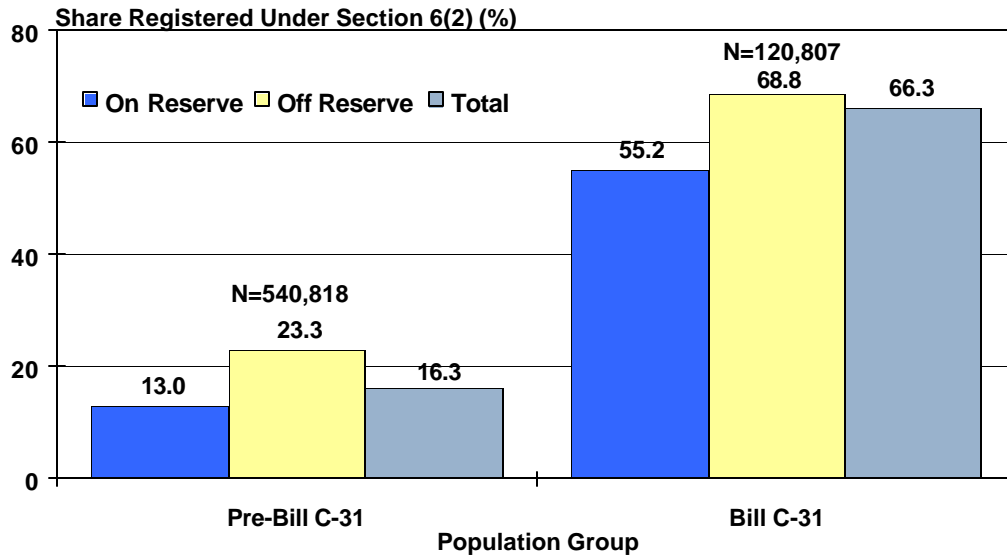
Source: Indian Register, December 31, 1999.

3.3.1.1 Differences Between The Bill C-31 and Pre-Bill C-31 Populations

Section 6 Composition

As noted previously in this section of the report, the inheritance rules of Section 6 were applied retroactively only to the Bill C-31 population, while the pre-Bill C-31 population were all grandfathered under Section 6(1)(a). This situation results in quite large differences in the registration characteristics of the two populations. These differences are illustrated in Figure 8 for the national Registered Indian population (adjusted for late reporting). The figure identifies the shares of the pre-Bill C-31 and Bill C-31 populations that are registered under Section 6(2). The share of the Bill C-31 population registered under Section 6(2) is about 66 percent, roughly four times larger than that of the pre-Bill C-31 population. Individuals registered under Section 6(2) form the majority of the Bill C-31 population both on and off reserve.

Figure 8
Share of Population Registered Under Section 6(2), Location of Residence and Bill C-31 Status, Canada, 1999



Note: Estimates include children born since Bill C-31.
 Source: Adjusted Indian Register, December 31, 1999.

The large concentration of individuals registered under Section 6(2) within the Bill C-31 population has quite significant implications for the future. For Section 6(2) registrants, out-marriage (Indian/non-Indian parenting) produces children who are not entitled to Indian registration. This process is likely to occur much more quickly among the Bill C-31 than pre-Bill C-31 components of the population.

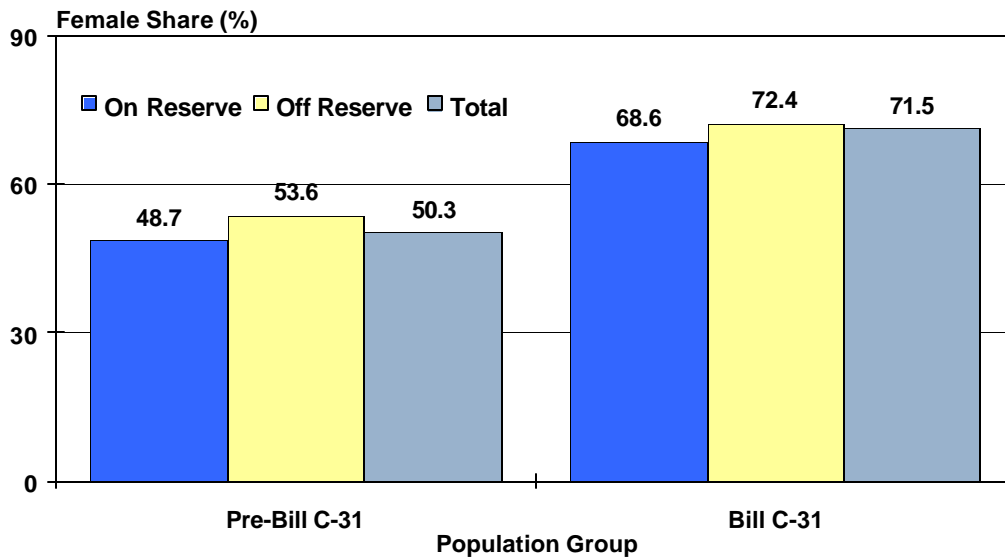
Gender Composition

As noted previously, women who were removed from the register through marriage to a non-Indian form a large component of the Bill C-31 population. As a result, among the population registered under Section 6(1), females form a much larger segment of the Bill C-31 than pre-Bill C-31 population (see Figure 9).⁷ At the national level, nearly

⁷ Bill C-31's registered under Section 6(2) comprise the children of Bill C-31's registered under Section 6(1). As such, the gender structure of the Bill C-31, Section 6(2) population does not differ markedly from that of the pre-Bill C-31 population.

72 percent of the Bill C-31 population registered under Section 6(1) is female, compared to about 50 percent of the pre-Bill C-31 population. Females outnumber males by a wide margin among the Bill C-31 population, both on and off reserve.

Figure 9
Female Share of Registered Indian Population, Location of Residence and Bill C-31 Status, Canada, 1999

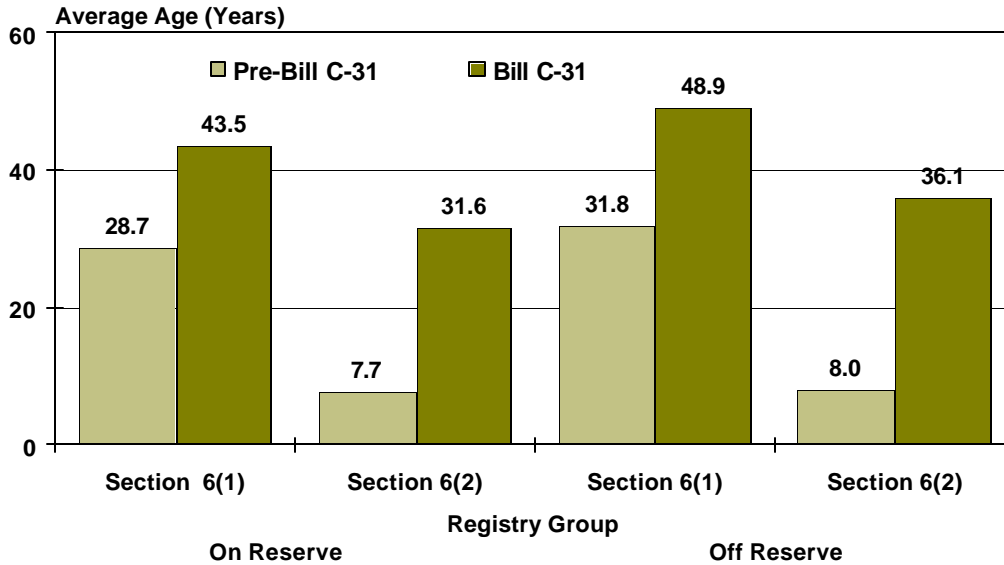


Source: Unadjusted Indian Register, December 31, 1999.

Age Structure

Quite substantial age differentials also exist between the Bill C-31 and pre-Bill C-31 populations. The extent of these differentials is illustrated in Figure 10 which displays the average age of the population by Bill C-31 status and Section 6 registry status. Among reserve residents, the average age of the Bill C-31 population registered under Section 6(1) is about 43.5 years, nearly 15 years older than its pre-Bill C-31 counterpart. Among on-reserve residents registered under Section 6(2), the Bill C-31 population is roughly 24 years older, on average, than the pre-Bill C-31 population. Age differences between the Bill C-31 and pre-Bill C-31 populations are even more pronounced among off-reserve residents.

Figure 10
Average Age of Registered Indian Population, by Location of Residence,
Bill C-31 Status and Section 6 Registry Group, Canada, 1999



Source: Unadjusted Indian Register, December 31, 1999.

The age differentials identified in the figure, result largely from three factors. First, many of the individuals reinstated under Bill C-31 were removed from the register as a result of rules which applied in earlier time periods (i.e. prior to 1985 or 1951). Second, the rules of Section 6 of Bill C-31 were applied retroactively to the Bill C-31 population and affect the entire Bill C-31 population. Within the pre-Bill C-31 population, all those registered under Section 6(2) have been born since Bill C-31. Third, some descendants of the Bill C-31 population (i.e. those with a parent registered under Section 6(2)) do not qualify for registration under Bill C-31's inheritance rules. As a result, children (younger cohorts) tend to form a much smaller component of the Bill C-31 population.

The much older age structure of the Bill C-31 population implies that in the future, population growth from existing Bill C-31 registrants is likely to decline rapidly, as the majority of this population has already past the prime ages for child-bearing.

3.3.2 Other Components of Bill C-31 Population Growth

Although reinstatements and registrations under Bill C-31 form the largest and most readily identifiable component of population growth attributable to Bill C-31, other Bill C-31 changes (noted previously in this section of the report) have also led to incremental population growth during the 1985-1999 period.

Children Born After April 16, 1985

Data contained in the Indian Register, which link children to their parents allow one to construct the “parenting” combinations of males and females within the Bill C-31 and pre-Bill C-31 population.⁸ These combinations, which are identified in Table 2 for all children born after April 16, 1985, can be used to estimate the incremental number of children who have qualified for Indian registration due to the changes introduced by Bill C-31. These children include:

- those who have been born to two parents registered under Bill C-31,
- those born to a Bill C-31 parent registered under Section 6(1) and whose other parent is not registered,
- those born to a pre-Bill C-31 woman and non-Indian male, and
- those born to a pre-Bill C-31 woman and a male registered under Bill C-31.

Under the rules of the previous Act, these children would not have been entitled to Indian registration. The numbers of children born to these specific parenting combinations are identified in the “shaded” areas of the table. Data appearing in the table have been adjusted for late-reported births.⁹

⁸ As the Indian Register contains data only for those children who are registered, it cannot provide a complete picture of Registered Indian parenting. Specifically, children born to an Indian registered under Section 6(2) and a non-Indian do not qualify for registration and are not on the Register.

⁹ The procedure used to adjust the Register counts for late-reported births is described in a recent report by Clatworthy (2000), entitled “**Paternal Identity and Entitlement to Indian Registration: The Manitoba Context**”.

As of December 31, 1999, an estimated 59,798 additional children have been born who qualify for Indian registration due to the new rules of Bill C-31. Most of these children (about 77 percent) result from parenting between pre-Bill C-31 women and males who would not have been entitled to registration under the old and/or new Act. About 23 percent of these children result solely from parenting by Bill C-31 registrants.

Table 2 also reveals a large number of children, born to women registered under Section 6(1), for whom information concerning fathers has not been provided to the Registrar. Under Bill C-31, the registration entitlement of children with unstated fathers is based solely on the mother's registry status. Nationally, nearly 37,500 children born since Bill C-31 have unstated fathers (more than 16 percent of all children), and thus qualify for registration under Section 6(2). Children with unstated fathers were also registered under the previous Act, unless the father had been shown to be non-Indian through a band protest. These children were subsequently registered under Section 6(1)(a) of Bill C-31. Bill C-31's changes in relation to unstated fathers have not had an incremental impact on the population to this point in time. However, when Section 6(2) children reach child-bearing age, unstated paternity will result in a growing number of children who will not qualify for registration under the new rules, but may have qualified under the old Act. ***As such, Bill C-31's changes concerning the treatment of children with unstated fathers have quite significant implications for the future population entitled to Indian registration.***

Table 2
Children Born After April 16, 1985 Showing Section 6 and Bill C-31 Registry Status of Mother and Father, Canada, December 31, 1999

Father's Registry Status		Mother's Registry Status				
		Pre-Bill C-31	Bill C-31		Not Registered	Total
			6(1)	6(1)		
Pre-Bill C-31	6(1)	103,977	2,900	5,281	21,197	133,355
Bill C-31	6(1)	2,712	499	473	2,552	6,236
	6(2)	5,205	738	1,111	0*	7,054
Not Registered		37,963	6,223	0*	0*	44,186
Not Stated		35,173	2,322	0*	0*	37,495
Total		185,030	12,682	6,865	23,749	228,326

Note: Excludes 372 children with unknown paternal and maternal detail.

* Unknown, as children would not be eligible for Indian registration.

Source: Indian Register, December 31, 1999 adjusted for late birth reporting.

Retention of Women Who Married Non-Indians After April 16, 1985

As Bill C-31 no longer allows for the removal of women from the Indian Register for marriage to a non-Indian, some portion of the population growth reported during the 1985-1999 period derives from the retention (on the Register) of pre-Bill C-31 women who "marry out". As data concerning the actual marriage patterns of Registered Indians are unavailable for this period, precise estimates of the number of Indian women who would have been removed from the Register during the period cannot be obtained. An approximation of this number, however, can be derived by applying estimates of the total fertility rate of Registered Indian females to the number of children born to pre-Bill C-31 females and non-registered males.¹⁰ Based on this method, 13,557 Indian women are estimated to have been retained on the Register under the new rules of Bill C-31.

¹⁰ The total fertility rate (TFR) estimates used in the study are those reported by Nault et al (1993) for 1990. At the national level the TFR rate was 2.72. Regional estimates of the Bill C-31 growth components developed for this study apply the regional TFR estimates developed by Nault et al. The national level estimates reported in the study are derived from aggregating of the regional estimates.

Retention of Children Whose Mothers Married Non-Indians

The rules of the old Act also resulted in the removal of Indian children from the Register in most cases where their mothers married non-Indians (the policy changed frequently over the years). The removal of this provision by Bill C-31 has also led to incremental growth in the Registered Indian population. For the same reasons noted above, the number of these children cannot be measured directly from existing data. Data contained on the Reinstatement of Status Information System (S4 reports) concerning the basis for Bill C-31 reinstatement allow one to estimate the ratio of children to women who were removed from the register as a consequence of the woman's marriage to a non-Indian. As of December 31, 1999, this ratio was 0.137 (or 137 children for every 1,000 women). By applying this ratio to the estimated number of pre-Bill C-31 women retained (i.e. 13,557) during the 1985-1999 period, the number of children retained can also be estimated. Results of this procedure suggest that 1,937 Indian children have been retained on the Register to date as a result of Bill C-31 changes.

Women Not Added Through Marriage to Indian Males After April 16, 1985

The *total fertility rate* procedure described above for estimating the number of Indian women retained during the period, can also be used to provide a rough estimate of the number of the non-Indian women who did not gain registration status through marriage to an Indian male. Application of the total fertility rate to the number of children born after April 16, 1985 to pre-Bill C-31 males and non-registered females results in an estimate of 7,571 women who have not been added to the Register through marriage to Indian males.

3.4 Summary of Bill C-31 Population Growth to December 31, 1999

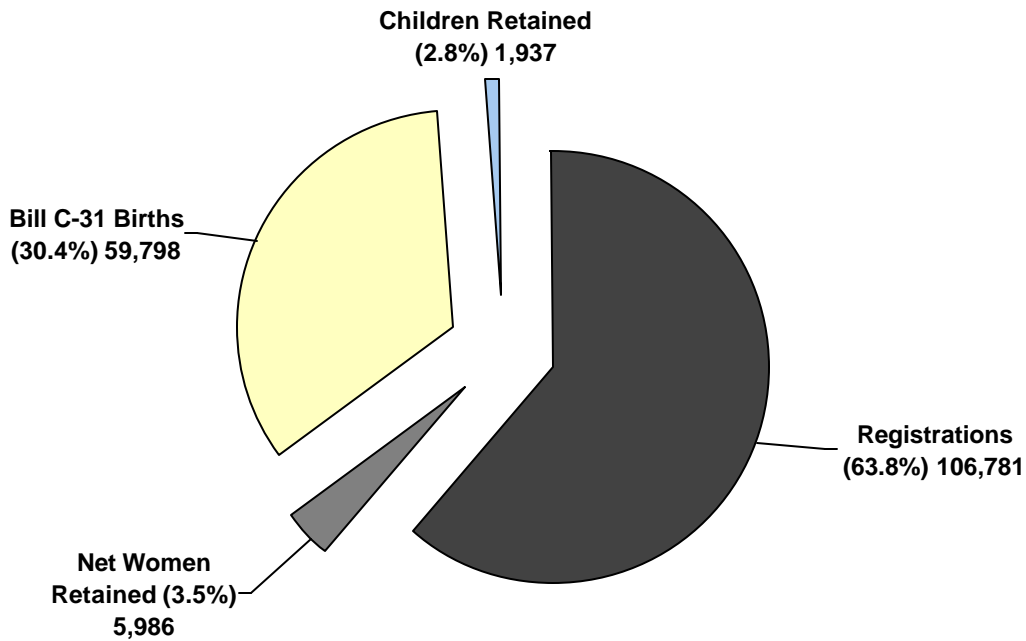
By combining the individual components of growth described above, one can obtain estimates of the total impact of Bill C-31 on the Registered Indian population from 1985 to 1999. Table 3 provides a summary at the national level of Bill C-31 induced growth in the Registered Indian population and a regional breakdown of this growth. **At the national level, incremental growth associated with Bill C-31 is estimated to total about 174,500 individuals**, including 106,781 Bill C-31 registrants, 59,798 children who would not have qualified under the old Act, 5,986 women and 1,937 children gained through Bill C-31 changes regarding marriages (Figure 11).

Table 3
Estimated Cumulative Growth of Registered Indian Population Through Bill C-31 by Province/Region,
Canada, to December 31, 1999 (Adjusted for Late Birth Reporting)

Population	Atlantic Region	Quebec	Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Yukon	Northwest Territories	Canada
Registrations	3,745	10,633	30,443	15,308	12,425	11,144	18,689	2,127	2,267	106,781
Bill C-31 Births	1,964	4,438	12,709	9,454	10,289	7,610	10,587	884	1,863	59,798
Women Not Removed	551	1,095	2,718	1,906	2,561	1,683	2,412	158	473	13,557
Women Not Added	-534	-557	-1,864	-1,055	-1,293	-1,018	-1,054	-83	-113	-7,571
Net Women Retained	17	538	854	851	1,268	665	1,358	75	360	5,986
Children Retained	28	54	321	223	398	394	405	35	78	1,937
Net Impact	5,754	15,663	44,327	25,836	24,380	19,813	31,039	3,121	4,568	174,502
Net Growth	27.5	32.2	39.7	32.3	30.5	30.3	38.7	72.8	42.1	34.8

Source: Indian Register, December 31, 1999 (adjusted for late-reported births).

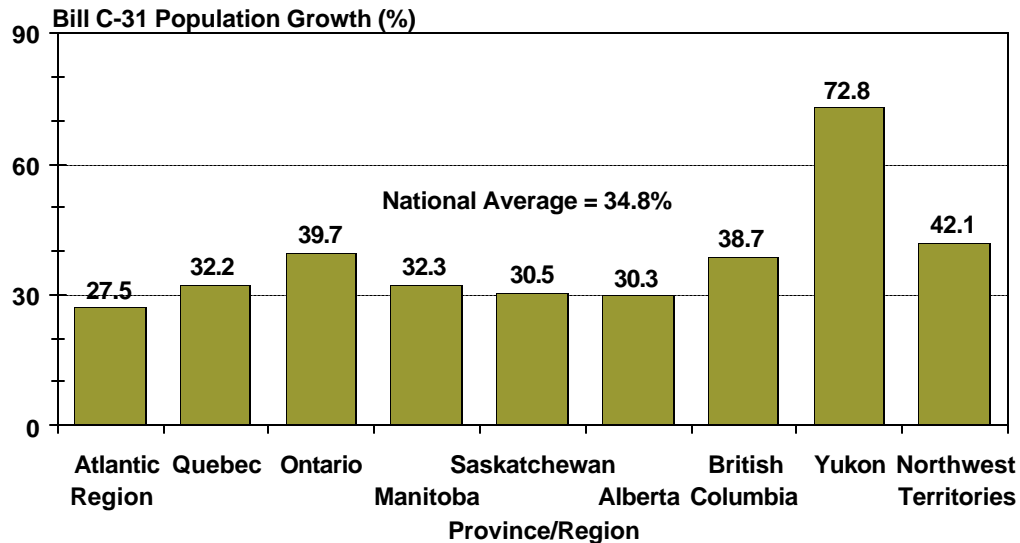
Figure 11
Estimated Incremental Growth of Registered Indian Population Attributable to Bill C-31, Canada, 1985-1999



Source: Derived from analysis of the December 31, 1999 Indian Register.

Population growth attributable to Bill C-31 represents an incremental increase of nearly 35 percent (over that estimated under the rules of the old Act). Regional estimates, summarized in Figure 12, suggest that incremental growth associated with Bill C-31 has been significant in all provinces/regions and especially pronounced in the Yukon (73 percent), Northwest Territories (42 percent), Ontario (40 percent) and British Columbia (39 percent).

Figure 12
Estimated Incremental Growth of Registered Indian Population Attributable to Bill C-31 by Province/Region, Canada, to December 31, 1999



Source: Derived from analysis of the December 31, 1999 Indian Register.

4. Projecting the Long-Term Impacts of Bill C-31

This section of the report highlights some of the results from a series of projection models constructed for the purpose of estimating the long-term population impacts associated with the inheritance rules contained in Section 6 of Bill C-31. The models developed for this study use a projection method developed by Clatworthy (1991, 1994, 1999a). This method uses a cohort-survival model which is adapted to incorporate not only fertility, mortality (survival) and migration, but also the rules governing entitlement to Indian registration (Section 6 of Bill C-31) and parenting patterns (out-marriage). To accommodate the additional issues of interest in this study, several refinements have been incorporated into the model. These refinements, which are described more fully in a technical report entitled **“A Revised Model for Projecting the Long-Term Population Implications of the 1985 Amendments to the Indian Act”** include:

- modifications to the model's birth assignment components which enable the allocation of future births to not only Section 6 registry groups (as in the original model), but also to gender and Bill C-31 status groups;
- the inclusion of separate fertility, survival and on- and off-reserve migration parameters for females and males; and
- the inclusion of separate out-marriage rates for males and females and for the Bill C-31 and pre-Bill C-31 populations.

The above refinements to the models create the opportunity to isolate the contribution of Bill C-31 registrants to future changes in the population entitled to Indian registration under Section 6. These refinements also create the opportunity to isolate the population effects associated with altering the rules surrounding the assignment of Section 6 entitlement to Bill C-31 registrants. In this regard, the models have been configured to examine five specific scenarios. These scenarios include:

- **continuation of the status quo under Bill C-31**, where the population entitled to Indian registration continues to be determined by the current rules of Bill C-31;
- **the "old Act" rules**, where the population entitled to Indian registration is based on the rules of the prior Act (i.e. as if Bill C-31 did not occur);
- **a variant of the Bill C-31 rules**, in which the Section 6 inheritance rules are applied to Bill C-31 registrants in the same fashion as they were applied to pre-Bill C-31 population (i.e. Bill C-31 registrants under Section 6(2) gain Section 6(1) registration). Under this variant, the non-registered children born to Section 6(2), Bill C-31 registrants **after** April 16, 1985 would also gain registration under Section 6(2);
- **a second variant of the Bill C-31 rules**, similar to the above model, but where the non-registered children, born to Section 6(2), Bill C-31 registrants **prior** to April 17, 1985, also gain registration under Section 6(2); and
- **a third variant of the Bill C-31 rules**, similar to that above, but where the children born prior to April 17, 1985 to Section 6(2), Bill C-31 registrants gain access under Section 6(1).

4.1 Components Incorporated in the Projection Models

Although standard population projections are typically designed to incorporate only five factors (the age and gender structure of the baseline population, female fertility, mortality and migration), legislation governing Indian registration requires that several additional factors also be explicitly incorporated into the projection model. These additional factors include:

- the Section 6 registry status of the baseline population;
- the fertility characteristics of not only females but males;
- future additions to the population through Bill C-31 registrations; and
- the parenting patterns of males and females (i.e. rates of out-marriage);

A brief description of how the projection models include each of these factors is provided below.

4.1.1 Structure of the Baseline Population

As the projections developed for this study seek to isolate the effect of Bill C-31's rules and the contribution of Bill C-31 registrants to future population changes, the baseline population included in the models differentiates individuals according to age (using 5-year cohorts, gender, Section 6 registry status (i.e. Section 6(1), Section 6(2), or not-entitled) and Bill C-31 lineage. This latter attribute distinguishes among three sub-groups of descendants including:

- those who are registered under Bill C-31 or have descended from a Bill C-31 registrants only;
- those who are registered as part of the pre-Bill C-31 population or have descended from this population only; and
- those who have descended from both Bill C-31 and pre-Bill C-31 registrants (i.e. the off-spring of Bill C-31 and pre-Bill C-31 parenting).

The structure of the baseline population according to these criteria has been estimated using data contained in the Indian Register. Population counts derived from the Indian Register were adjusted for late-reporting of births and deaths. As the Indian Register

does not identify the descendants of individuals registered under Section 6(2) who do not qualify for registration under the rules of Section 6, this population group has been estimated using procedures developed previously by Clatworthy and Smith (1992).

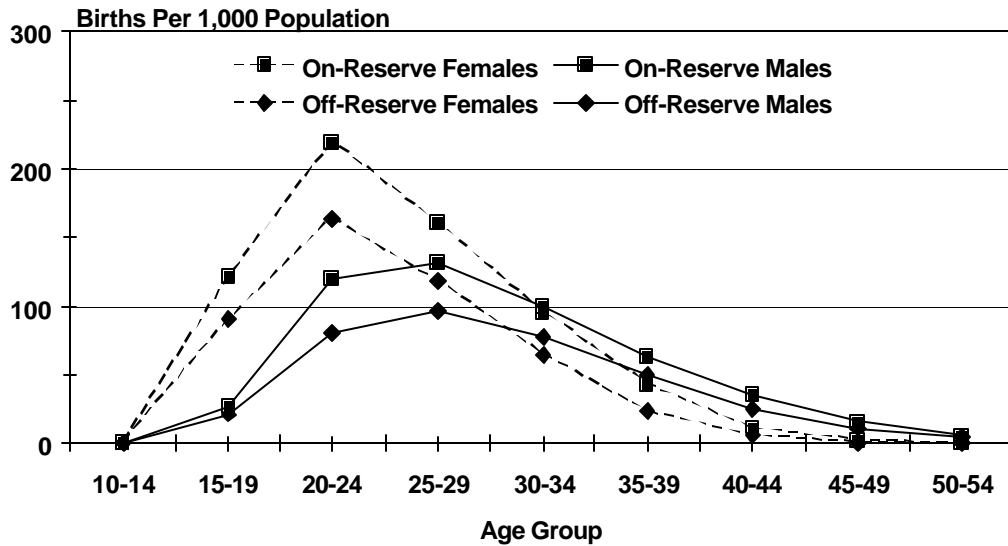
4.1.2 Fertility Rates of Females and Males

Standard projection models estimate the number of future births by applying age-specific birth rates to the female population. Under the rules of Section 6, non-Indian women no longer gain Indian registration through marriage to an Indian male. As a consequence, a child can qualify for Indian registration when the child's mother is not registered. This situation creates a need to include the fertility characteristics of Registered Indian *males* in the projection.

Age, gender and location-specific estimates of birth rates (i.e. births per 1,000 population of a specific age) have been estimated for each province/region from Indian Register data which link children to their Registered Indian mothers and/or fathers. The estimates prepared for this study are based on all births (adjusted for late reporting) during the 1986-1994 time period and measure the fertility characteristics of the population in 1990 (i.e. the mid-point in the time period).¹¹ A further adjustment to the estimates has been made to account for the general decline in Registered Indian fertility which is projected to have occurred since 1990. Projected declines in the total fertility rate of the Registered Indian population, developed by Nault et al (1993) were used for this adjustment. The resulting rates are displayed for the national population in Figure 13. These rates are assumed to apply to both the Bill C-31 and pre-Bill C-31 populations, as estimates constructed for these groups revealed only small variations.

¹¹ Although data were also available for births during the 1995-1999 period, very high levels of late birth reporting are associated with the initial four years after the actual birth date. Although these data can be adjusted for late reporting, errors associated with the adjustment for this age group are likely to be much larger than those for children born five or more years earlier.

Figure 13
Estimated Fertility Rate of Registered Indians by Age, Gender and Location of Residence, Canada, 1999



Source: Indian Register, December 31, 1999 (adjusted for late birth reporting).

4.1.3 Mortality

As noted in Section 2 of this report, the projection models developed for the study use mortality estimates prepared previously by Nault et al (1993) for the Registered Indian populations residing in various provinces/regions. These estimates are in the form of age, gender and location-specific (on/off reserve) rates of survival. The annual rates estimated by Nault et al have been converted to five-year rates for use in the projection models. The survival rates are adjusted at each iteration of the model to reflect the projected improvements in mortality estimated by Nault et al.

4.1.4 Migration

The movement of Registered Indians between on- and off-reserve locations is incorporated in the model through the application of age, gender and destination-specific rates of out-migration.¹² These rates were calculated from 1996 Census data

¹² The out-migration rates measure the probability of moving from one location (e.g. off reserve) to the other location (i.e. on reserve) for each population sub-group. Two sets of rates are used: one referenced in relation to the off-reserve population and a second referenced in relation to the on-reserve

concerning the migration flows of Registered Indians between 1991 and 1996 (see Clatworthy, 1999b). The general pattern of movement identified for this (and earlier) time period(s) was one of modest net migration to reserves. As considerable uncertainty surrounds future patterns of migration, the projections' assume that the volume of migration declines over the initial 20 years of the projection period to zero. Thereafter, migration ceases to be a factor in the projection models.

4.1.5 Future Additions Through Bill C-31 Registrations

As the reinstatement and registration provisions of Bill C-31 do not have any time restrictions, the potential for further registrations exists well into the future. Regional analyses of the cumulative trend in registrations for the 1990-1999 time period have been used to estimate the rate of the decline in new registrations in each region for this period. By applying this rate to the 1999 Bill C-31 registration counts, annual estimates of future registrations are calculated. The method projects that a further 14,706 individuals will be registered under Bill C-31 over the next 40 years. The projection models assume that no further registrations will occur after that time.¹³

The estimated numbers of future Bill C-31 registrations are added to the model in accordance with the age, gender, Section 6 registry status and location of residence (on/off reserve) distribution of the surviving Bill C-31 population at each iteration of the model (every five years).¹⁴

4.1.6 Rates of Out-Marriage (Indian/Non-Indian Parenting)

As noted earlier, Section 6 of Bill C-31 contains a set of descent (or inheritance) rules through which children can qualify for registration. Their entitlement to registration depends upon the entitlement status of their parents. Because of this, future patterns of parenting will play a critical role in determining the descendant population that

population.

¹³ Although Bill C-31 has no "sunset" clause, new registrations are likely to effectively cease as a consequence of "extinction" of the eligible population (all of whom are born prior to April 17, 1985).

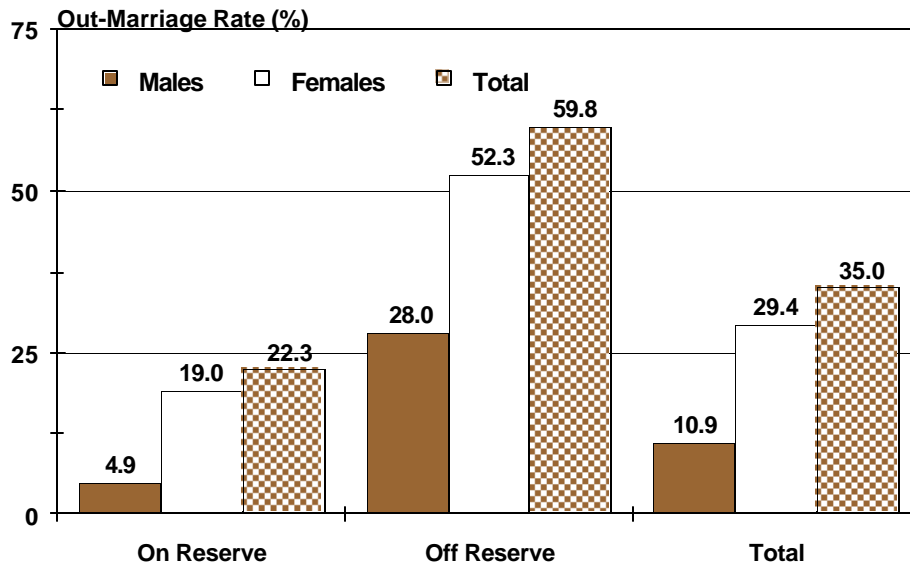
¹⁴ This procedure for assigning future Bill C-31 registrants effectively "ages" the population of new Bill C-31 registrants and adjusts their registry composition at each iteration of the model (i.e. every 5 years) to reflect the surviving population.

qualifies for registration. Persistent parenting between Indians and non-Indians (exogamy or out-marriage) over time will result in a growing share of descendants who do not meet the requirements for registration set forth in Section 6.

In support of previous projections of Bill C-31's population impacts, Clatworthy and Smith (1992) developed procedures for estimating out-marriage rates for the total Registered Indian population and incorporated this feature into Registered Indian population projections. For this study, additional estimates of out-marriage have been constructed for gender and Bill C-31 status groups at the regional level. Estimates for these groups are made possible by the Indian Register data which links children to their mothers and fathers. The out-marriage rates are used in the projection models (in concert with the logic of the descent rules of Section 6) to assign children born in the future to Section 6 entitlement groups and Bill C-31/pre-Bill C-31 ancestral groups.

Figure 14 illustrates the out-marriage rate estimates developed for this study for males and females living on and off reserve. As revealed in the figure, female out-marriage rates are estimated to be considerably higher than those of males both on and off reserve. The on-reserve rate among females is estimated to be about 19 percent, roughly 3.9 times higher than that estimated for males. Out-marriage rates are considerably higher among both gender groups, off-reserve (52 percent for females and 28 percent for males).

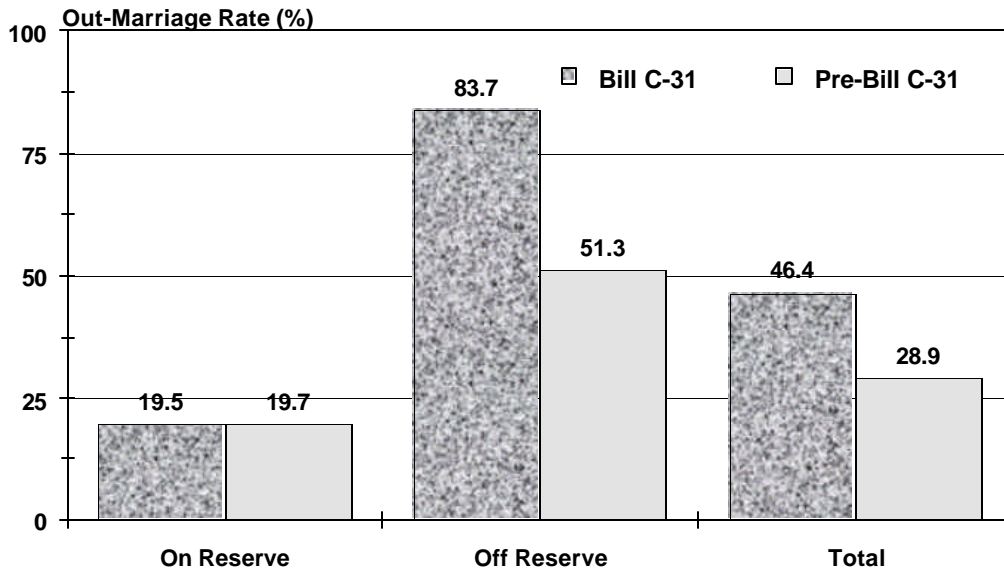
Figure 14
Estimated Out-Marriage Rate Among Registered Indians by Gender and Location of Residence, Canada, 1999



Source: Indian Register, December 31, 1999 (adjusted for late birth reporting).

Out-marriage rate estimates prepared for the Bill C-31 and pre-Bill C-31 components of the population are illustrated in Figure 15. Overall, the estimated rate of out-marriage among Bill C-31 registrants was about 46 percent, roughly 1.6 times higher than that estimated for the pre-Bill C-31 population. The entire differential derives from the off-reserve context. On-reserve out-marriage rates were actually lower among Bill C-31 registrants, although the scale of difference between the two population groups on reserve was quite small.

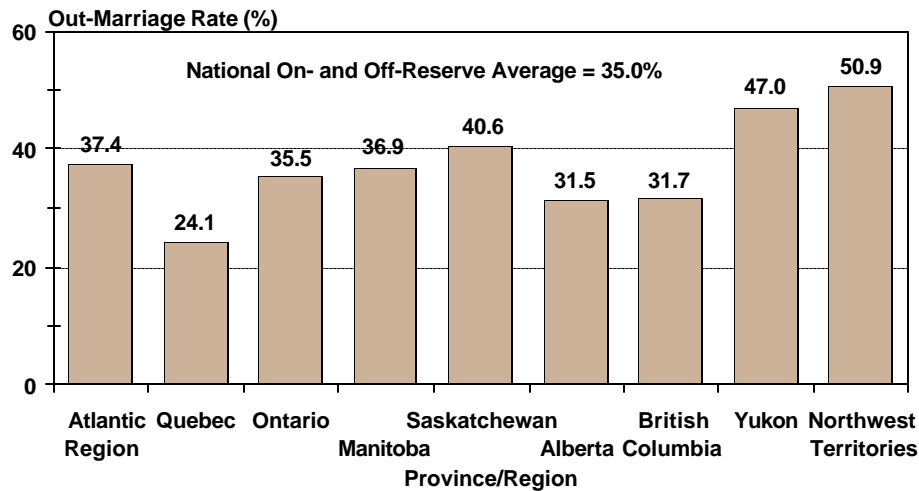
Figure 15
Estimated Out-Marriage Rate Among Bill C-31 and Pre-Bill C-31 Registered Indian Populations by Location of Residence, Canada, 1999



Source: Indian Register, December 31, 1999 (adjusted for late birth reporting)

As the projection models are developed regionally, separate out-marriage rate estimates have been developed for each region. Figure 16 illustrates these regional rates for the combined on- and off-reserve population. As revealed in the figure, higher than average out-marriage rates were identified for northern Canada, the Atlantic region and the provinces of Saskatchewan, Manitoba and Ontario.

Figure 16
Estimated Out-Marriage Rate Among Registered Indians by
Province/Region, Canada, 1999



Source: Indian Register, December 31, 1999 (adjusted for late birth reporting).

4.2 Projection Highlights

The projections developed for the study have been configured to allow for the impacts of the five different scenarios to be isolated and compared. In general, this is accomplished by holding constant all of the model's assumptions except those which depict each specific scenario. The results highlighted in this report are those which derive from a particular series of models that assume that the on- and off-reserve out-marriage rates for all sub-groups within the population increase gradually (at a constant rate) to a level 20 percentage points higher than at present over the course of 40 years (thereafter remaining constant). Other out-marriage rate scenarios were explored in

the projections and are in the technical report identified in the introduction to the section of the report.¹⁵ The technical report also contains the results of the regional-level projections, from which the national level results reported in this study have been derived.

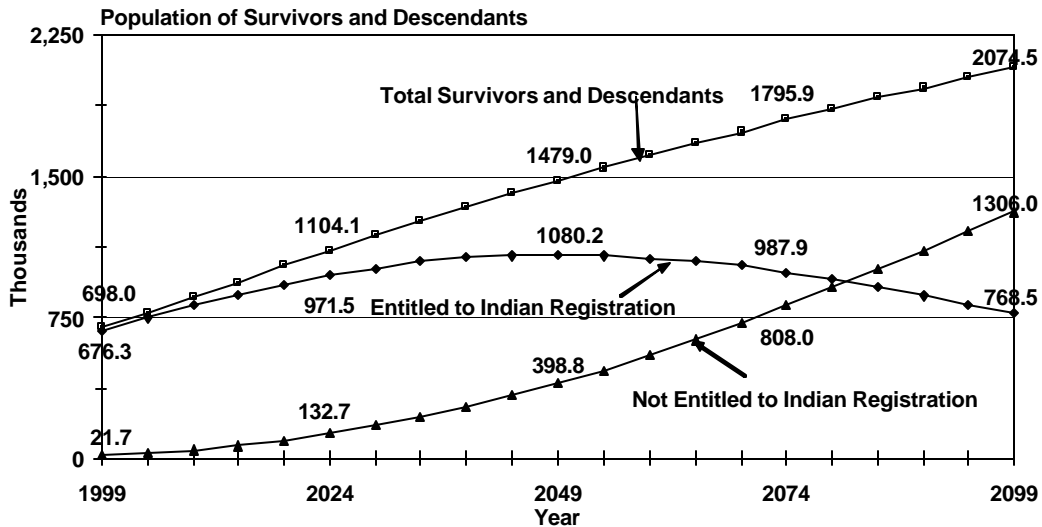
4.2.1 Continuation of the Current Rules (Bill C-31 Status Quo)

The initial set of projection highlights emerges from a model which has been configured to project the future population entitled to Indian registration under the assumption that the current rules of Bill C-31 remain in force throughout the projection period. Out-marriage rates among the population are assumed to increase gradually by 20 percentage points over the course of the initial 40 years and thereafter remain stable.

As illustrated in Figure 17, under this scenario, the total population of survivors and descendants is projected to increase throughout the 100-year projection period from the current level of about 698,000 to about 2.1 million after four generations (100 years). The population entitled to Indian registration would grow for about two generations (50 years) reaching a peak of about 1.1 million. Thereafter, accelerating declines would reduce the population entitled to registration to about 768,500 after four generations. The number of survivors and descendants who do not qualify for registration is expected to increase from the current level of about 21,700 to nearly 400,000 within two generations. After three generations (year 2074), individuals who are not entitled to registration are projected to form the majority of the population.

¹⁵ The technical report presents the results of projection scenarios which assume stable out-marriage, as well as increases in out-marriage of 10, 20 and 30 percentage points. Presently, there are insufficient data to explore the historic trend in out-marriage among Registered Indians. Several factors (including higher rates of attendance at off-reserve post-secondary institutions and increasing employment off reserve) may serve to increase the level of social interaction between the Registered Indian and non-Indian populations resulting in higher future out-marriage rates.

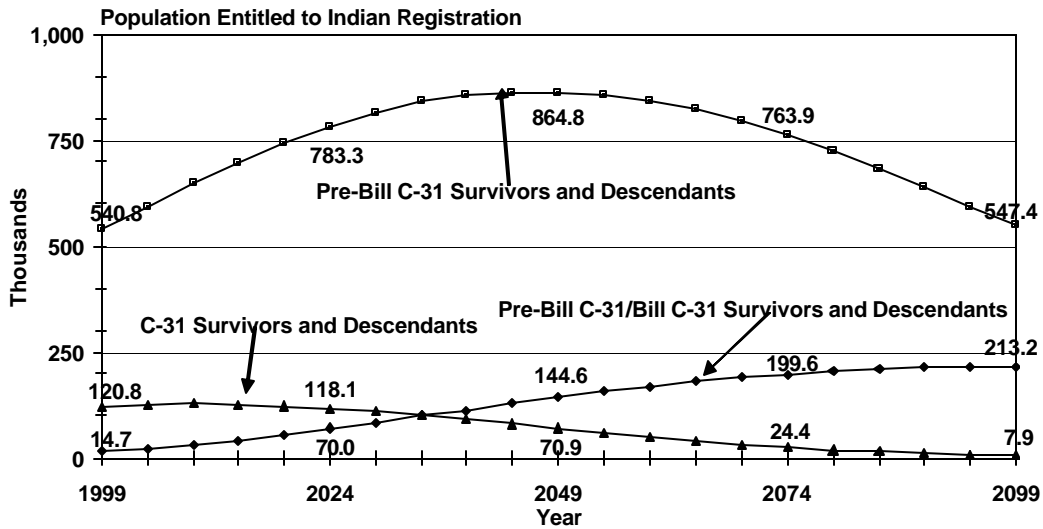
Figure 17
Population of Survivors and Descendants by Entitlement to Indian Registration, Canada, 1999-2099 (Projected)



Source: Custom population projections based on December 31, 1999 Indian Register.

Figure 18 illustrates the projected population entitled to Indian registration according to Bill C-31 and pre-Bill C-31 ancestry. Individuals that comprise (or that trace their ancestry entirely through) the pre-Bill C-31 population, are expected to increase from the current level of about 540,800 individuals to about 864,800 individuals over the next two generations. Over the course of the following two generations, this segment of the Registered Indian population is expected to decline to about 547,400 individuals. By way of contrast, the Bill C-31 population (and descendants who trace their ancestry entirely through this population) are expected to increase only slightly for about 10 years. After that time, this component of the Registered Indian population is expected to decline at a gradual rate and include only 7,900 individuals after four generations. The population resulting from inter-marriage between pre-Bill C-31 and Bill C-31 registrants is projected to grow throughout most of the 100-year period from about 14,700 currently, to about 213,200 after four generations. At that time, descendants with mixed Bill C-31 and pre-Bill C-31 ancestry would account for about 28 percent of the total population entitled to registration.

Figure 18
Population Entitled to Indian Registration by Bill C-31 and Pre-Bill C-31
Ancestry Group, Canada, 1999-2099 (Projected)

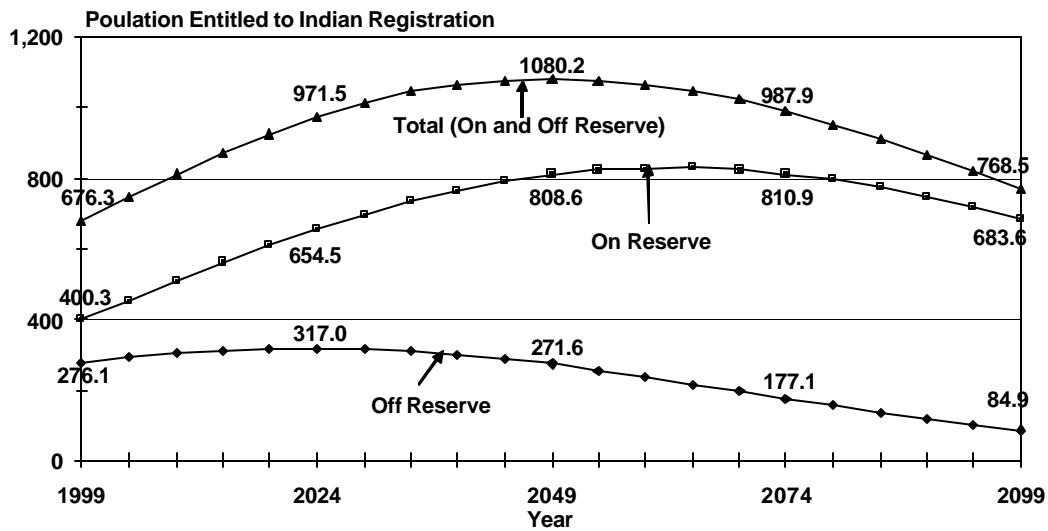


Source: Custom population projections based on December 31, 1999 Indian Register.

Entitlement to Indian Registration On and Off Reserve

Figure 19 displays the projected population entitled to Indian registration on and off reserve. The population on reserve is expected to increase for about 2.5 generations (65 years) reaching a peak of about 811,000 individuals. Population declines after that point in time would reduce the on-reserve population entitled to registration to about 683,600 after four generations. In contrast with the situation on reserve, the off-reserve population entitled to registration is projected to increase for only 20 years, reaching a peak of about 317,000 individuals. After four generations, the off-reserve population entitled to registration is expected to be reduced to about 84,900 individuals.

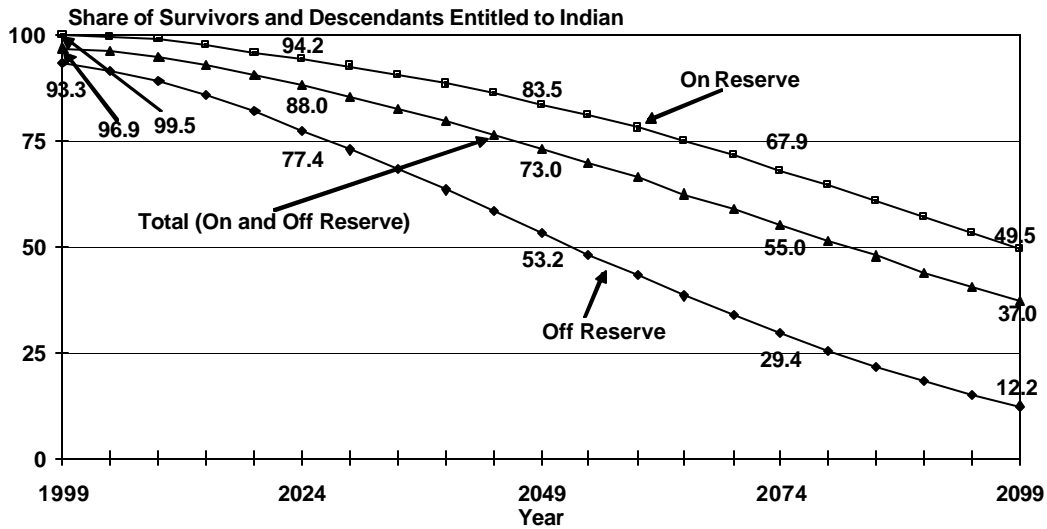
Figure 19
Population Entitled to Indian Registration, Location of Residence,
Canada, 1999-2099 (Projected)



Source: Custom population projections based on December 31, 1999 Indian Register.

Although the population entitled to Indian registration is projected to increase for about two generations, Registered Indians are expected to form a declining share of the total population of survivors and descendants, both on and off reserve (Figure 20). On reserve, the share of survivors and descendants entitled to registration is expected to decline to about 83.5 percent after two generations. Within four generations, on-reserve descendants entitled to registration are projected to form a minority. More rapid declines in the share of survivors and descendants entitled to registration, is projected to occur among the off-reserve population. Within two generations, individuals entitled to registration are expected to form only 53 percent of the surviving and descendant population. Within four generations, those entitled to registration are expected to form only 12 percent of all descendants.

Figure 20
Share of Survivors and Descendants Entitled to Indian Registration,
Location of Residence, Canada, 1999-2099

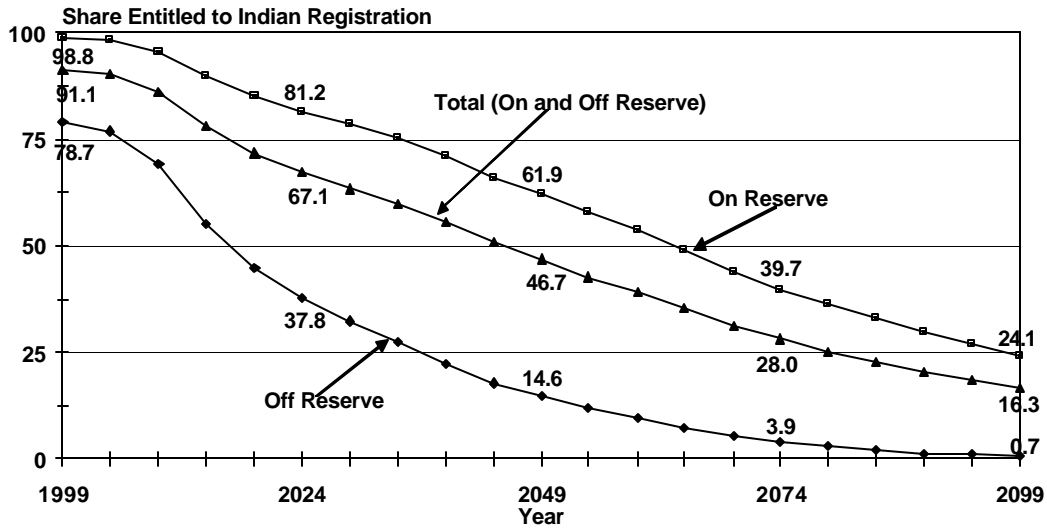


Source: Custom population projections based on December 31, 1999 Indian Register.

Entitlement of Registration Among Descendant Children

The declining share of the population entitled to Indian registration is projected to be much more pronounced among children. As illustrated in Figure 21, within two generations less than one-half of all children born to an Indian parent are expected to qualify for Indian registration. Children who qualify for registration on reserve are projected to form a minority within 2.5 generations. In the off-reserve context, this is projected to occur within 20 years. *The projection's trends suggest that sometime around the end of the fifth generation, no further children would be born with entitlement to Indian registration.*

Figure 21
Share of All Children Under Age 5 With Entitlement to Indian Registration by Location of Residence, Canada, 1999-2099 (Projected)

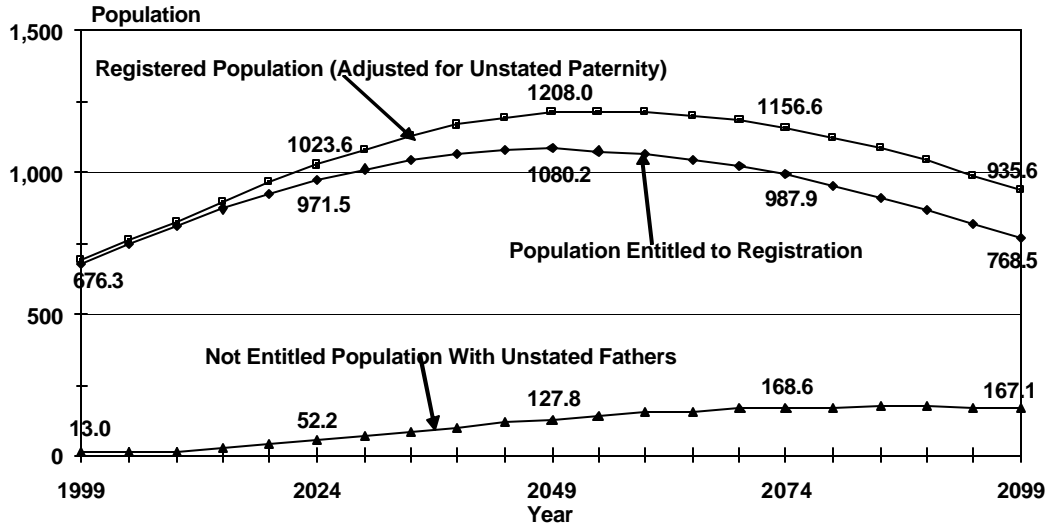


Source: Custom population projections based on December 31, 1999 Indian Register.

The Contribution of Unstated Paternity

Unstated paternity may be the factor responsible for the loss of entitlement among a significant portion of descendant children. Children with unstated fathers and who are not entitled to Indian registration are currently estimated to number 13,000 (Figure 22). Over the course of the next two generations, this number is expected to increase to about 127,800. Further increases after that point are expected to raise the number of non-entitled descendants with unstated fathers to more than 167,000.

Figure 22
Population Entitled to Indian Registration and Not Entitled to Indian Registration With Unstated Fathers, Canada, 1999-2099 (Projected)

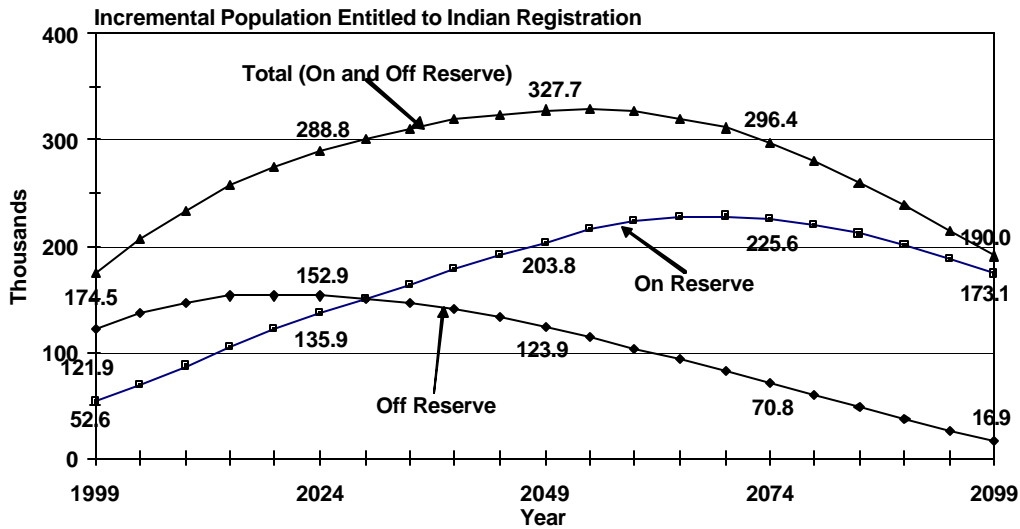


Source: Custom population projections based on December 31, 1999 Indian Register.

4.2.2 Incremental Population Impacts of Bill C-31

As noted in the previous section of the report, as of 1999, Bill C-31 had resulted in incremental growth in the Registered Indian population of about 174,500 individuals. As illustrated in Figure 23, the projected population entitled to registration under Bill C-31 is expected to remain substantially larger than that projected under the rules of the “old Act”. The incremental contribution of Bill C-31’s changes to growth in the Registered Indian population is expected to continue to increase for about two more generations, resulting in a Registered Indian population that is roughly 327,700 individuals larger than projected under the old Act. Although further incremental growth is projected in both the on- and off-reserve contexts, most of the growth is expected to occur on reserve. In the on-reserve context, the changes introduced by Bill C-31 are expected to result in an incremental population of 225,600 individuals entitled to registration within three generations.

Figure 23
Incremental Population Entitled to Indian Registration Under Bill C-31 (vs the “Old Act”), by Location of Residence, Canada, 1999-2099



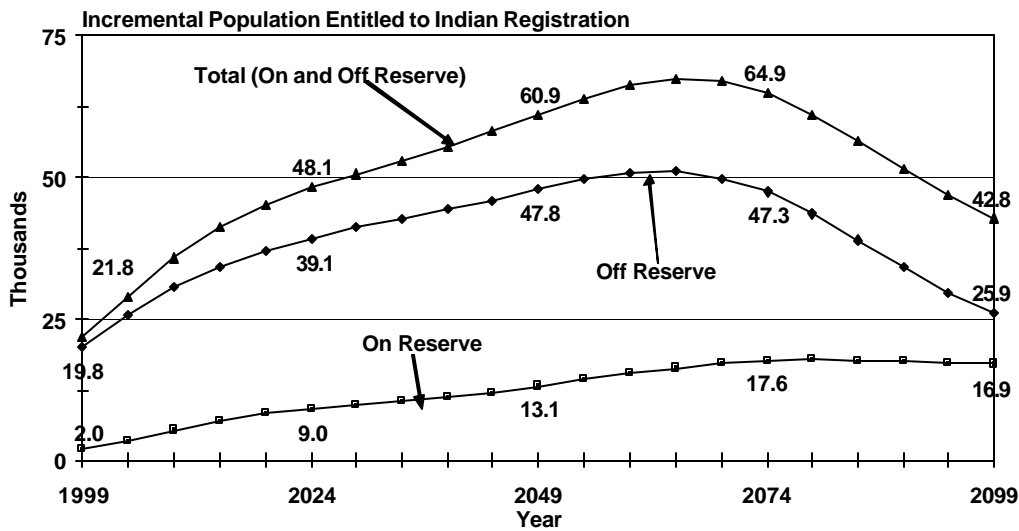
Source: Custom population projections based on December 31, 1999 Indian Register.

Although the size of the growth increment associated with Bill C-31 is expected to decline after two generations (three generations on reserve), ***the projected trend suggests that in relation to the old Act, Bill C-31 will result in a larger population entitled to Indian registration for roughly six generations.***

4.2.3 Population Impacts Associated With Altering the Registry Status of the Bill C-31 Population

As noted previously in the report, several claims of inequality have been made in relation to Bill C-31's assignment of Section 6 registry status to Bill C-31 registrants and their descendants. Three projection scenarios have been developed to assess the population impacts associated with specific alterations to Bill C-31's rules. The initial change explored in the projections involves the reclassification of those Bill C-31's registered under Section 6(2) to Section 6(1) and registration of their currently non-entitled children born **after** April 16, 1985 under Section 6(2). Figure 24 illustrates the incremental change in the population entitled to Indian registration associated with this change. The incremental population impacts, identified in the figure, have been measured in relation to the population entitled to registration under the “Bill C-31 status quo” scenario.

Figure 24
Incremental Population Entitled to Indian Registration Resulting from:
a) Changing the Registration Status of Bill C-31's from Section 6(2) to Section 6(1); and
b) Admitting their Children Born After April 16, 1985 Under Section 6(2), Canada, 1999-2099



Source: Custom population projections based on December 31, 1999 Indian Register.

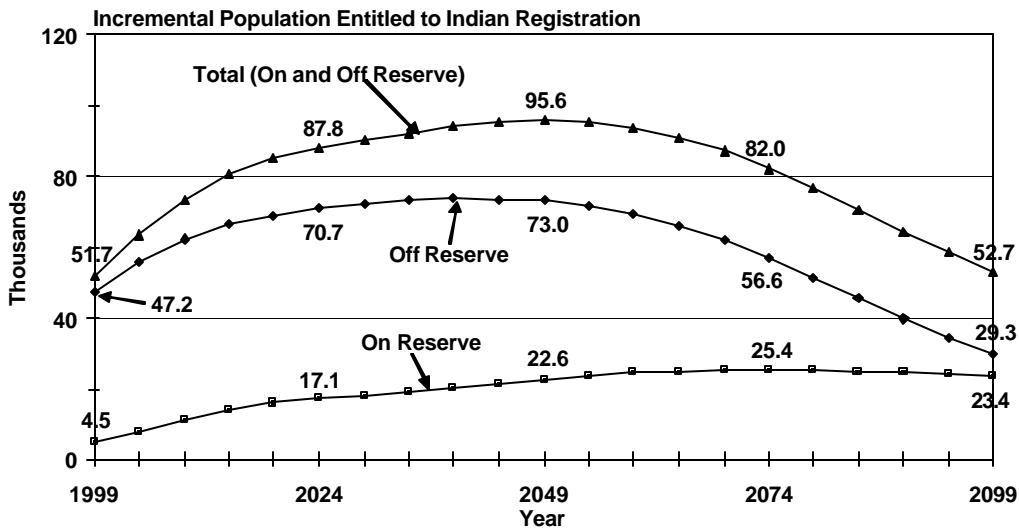
As illustrated in the figure this change would result in an additional 21,800 individuals entitled to registration (under Section 6(2)). This population comprises the currently non-entitled children born since April 16, 1985, to Bill C-31's registered under Section 6(2). Most of the immediate impact of this change would occur off reserve. Over the course of about two and one-half generations, this change would result in an additional 67,300 individuals with entitlement to Indian registration, including about 51,000 individuals off reserve and 17,300 on reserve. Although the incremental population entitled to registration would decline sharply after two and one-half generations off reserve, the impact on reserve would continue to rise for more than three generations and peak at about 17,700 individuals. A small decline in the impact on reserve would occur during the fourth generation. Based on the projection's trends, this change would expand the population entitled to Indian registration for more than five generations.

A second hypothetical projection involves an additional change that would also allow for registration (under Section 6(2)) of currently non-entitled children born to Bill C-31's registered under Section 6(2) **on or before** April 16, 1985. As of December 31, 1999,

this group is estimated to total about 30,000 individuals, including about 2,500 on reserve and 27,500 off reserve. As with the previous hypothetical model, the population changes associated with this amendment are measured against the Bill C-31 status quo model.

Figure 25 provides a summary of the incremental population that would be entitled to Indian registration under this change. As revealed in the figure, the incremental population entitled to registration would increase from about 51,700 individuals (in 1999), to about 95,600 individuals over the course of two generations. Most of this increase would occur during the initial generation. After two generations, the size of the incremental population entitled to registration would fall at an accelerating pace. After four generations, however, this change would continue to result in an additional 52,700 individuals entitled to registration. About 23,400 of these individuals are projected to reside on reserve.

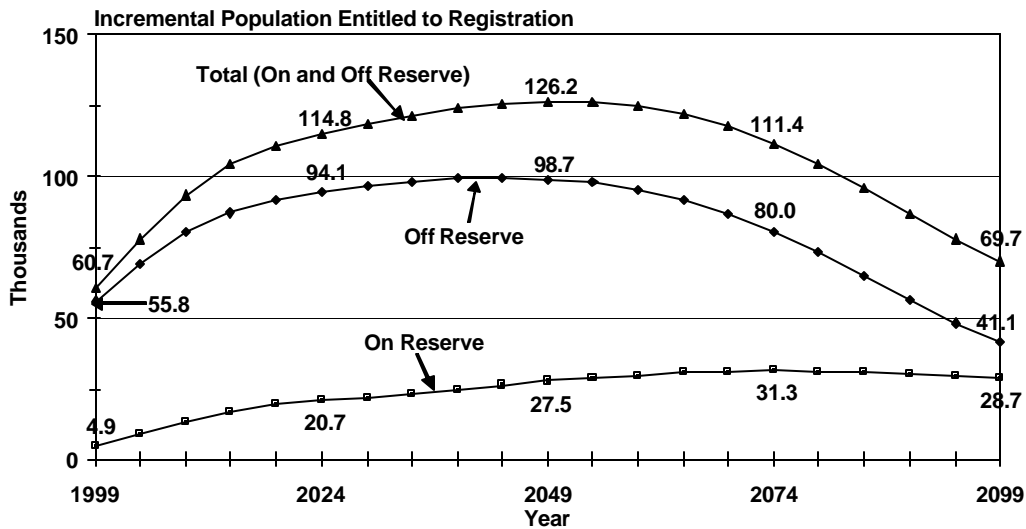
Figure 25
Incremental Population Entitled to Indian Registration Resulting from:
a) Changing the Registration Status of Bill C-31's from Section 6(2) to Section 6(1); and
b) Admitting All of their Children Under Section 6(2), Canada, 1999-2099



Source: Custom population projections based on December 31, 1999 Indian Register.

The third change explored in the projections involves not only changing the registry status of Bill C-31's from Section 6(2) to Section 6(1), but also admitting all of their children born **prior** to April 17, 1985 under Section 6(1) as well. This change to the Indian Act's registration rules would result in similar treatment of the pre-Bill C-31 and Bill C-31 populations with respect to registry status under Bill C-31. As revealed in Figure 26, this change would result in approximately 60,700 individuals gaining entitlement to registration as of December 31, 1999. In relation to the status quo under Bill C-31, this change would result in an additional 126,200 individuals entitled to registration after two generations. Most of this growth is projected during the initial generation and would occur off reserve. The incremental population entitled to registration under this scenario would fall quickly after two generations, but persist for about six generations.

Figure 26
Incremental Population Entitled to Indian Registration Resulting from:
a) Registering All Bill C-31's; and
b) All of Their Children Born Prior to April 17, 1985 Under Section 6(1),
Canada, 1999-2099



Source: Custom population projections based on December 31, 1999 Indian Register.

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