



April 16, 2025

To:
Board of Regents
Memorial University of Newfoundland
230 Elizabeth Avenue
St. John's, NL A1C 5S7

From:
Debbie Martin, PhD
Professor and Canada Research Chair
Faculty of Health, Dalhousie University
Halifax, NS B3H 4R2

Please accept this letter in response to the request for feedback on Memorial University's draft "Indigenous Verification Policy". Before I offer feedback, I'd like to offer a bit of background about my own qualifications and experiences.

I received a Bachelor's (Honours) degree from Memorial University in 2000. I went on to complete a Masters and PhD at Dalhousie University. I currently work at Dalhousie as a Full Professor of Health Promotion and Canada Research Chair in Indigenous Peoples' Health and Well-Being. I lead the Wabanaki-Indigenous Health Research Network, which aims to build capacity for Indigenous Peoples and communities to undertake Indigenous health research.

I am also a full member of NunatuKavut. I am Inuit on my maternal lineage. My mother is Theresa (Holley) Martin, her parents were Violet (Brown) Holley and Paul Holley. She was born and raised in Fox Harbour and I can trace my unbroken Inuit ancestry to southern Labrador for at least six generations. Just a few kilometers from Fox Harbour is Cape Charles, which is a place known by the French as *Pont Detour* due to the armed resistance of Inuit which lasted for about 100 years.

Unbelievably, we are now facing another battle of resistance, against an academic institution, who has, until very recently, recognized, acknowledged, and contributed widely to the academic literature on what is known and what is to be known about Inuit presence in southern Labrador.

I read and re-read Memorial's proposed Indigenous identity policy with disbelief. I participated in the consultation sessions held last spring that were specifically aimed at understanding the complex and unique history of Indigenous Peoples in Newfoundland and Labrador. I was so proud to listen and learn from other NunatuKavut Inuit expressing their identities and stories about who they are, and why Memorial has no right to make determinations over our identity.

When I read the Indigenous identity report that resulted from these consultations, our voices were absent. It was as if we had never been involved. It should have come as no surprise that the draft policy that is now circulated actively excludes NunatuKavut Inuit from consideration.

Herein, I outline why that is so problematic.

1. The report offers competing and contradictory statements regarding its support for Indigenous citizenship/membership.

On one hand, “Memorial University does not have the authority to decide who is or is not Indigenous, but rather works to understand, respect, and reinstate Indigenous practices of citizenship/membership” (page 4). Then on the other hand, it states that “a ‘Recognized Indigenous Collective’ in Canada is either 1) an Indigenous collective that is federally recognized and hold Constitutional rights under section 35, or 2) is accepted as an Indigenous collective by their federally-recognized neighbours.” (page 3). I explain why this is contradictory below:

Val Napoleon, an Indigenous legal scholar from University of Victoria draws the distinction between **civic identity** and **ethnic identity**, with the former being something that was advanced by societies using their own governance processes and laws, and the latter resulting from a policing of identity, and in the case of Indigenous peoples within Canada, stemming from the application of colonial determinations over who is, and who is not, Indigenous. She argues that when we rely upon an externally imposed ethnic determination over who is and who is not Indigenous “it is fraught with new and continued problems about policing who is in the group and who is out. Interestingly, we seldom draw lines to exclude ourselves in these situations” ([Napoleon, 2024](#)).

When Memorial indicates that it is working to reinstate Indigenous practices of citizenship/membership, it would lead one to presume that this means it is intending for Indigenous peoples and collectives to advance their own *civic* definitions of identity, which have often been accepting of others, fluid, but also intentional about existing governance practices and laws. This would be progressive and thoughtful, requiring investments into partnering with Indigenous communities and peoples to reinstate and understand the mechanisms through which Indigenous peoples would have used various forms of laws and governance to determine identity. However, the proposed policy does the opposite – enacting and upholding the very forms of ethnic policing Napoleon warns against.

2. Conflation of Indigenous identity with Section 35 of the Constitution Act, 1982.

Consideration of published Indigenous identity scholarship is entirely absent from this draft policy. Had it been included, it would become clear that recognizing individuals as “Indigenous” simply based on whether or not someone holds Section 35 rights is deeply fraught, undermining generations of scholarship and activism by Indigenous Peoples to move away from the problematic assumptions of the *Indian Act*.

In their human rights and legal analysis of Dalhousie University's proposed Indigenous identity policy, [Metallic and Simon \(2024, p. 28\)](#) point out that not only do Indigenous rights extend **beyond** Section 35, but that there are also, "...obligations not to discriminate against Indigenous groups and individuals under human rights law, not harm them through negligence under tort law, to respect their contractual rights, as well as their Charter rights like their freedom to associate, expression, life, liberty and security, and more. In *Daniels v Canada*, the Supreme Court of Canada underscored that the federal government could still have obligations to an Indigenous person under s 91(24) of the Constitution Act, 1867, even if the person was not a rights holder under section 35". Given that this report was published over year prior to the release of Memorial's draft policy, it is inexcusable that these details are not considered.

Such egregious omissions are particularly concerning, especially given the fact that Dalhousie's location in the Atlantic region means that the Metallic and Simon report pays particular attention to diverse Indigenous collectives specific to this region of Canada, which would be pertinent for Memorial to consider. This includes Indigenous collectives such as NunatuKavut, Qalipu, and Peskotomuhkati, all of whom appear to be negatively implicated by Memorial's draft policy.

Memorial asserting that the only way any of these Indigenous collectives can be recognized is if they are validated by one of their "federally recognized neighbours" is quite evidently playing a trump card against NunatuKavut. One has to only look to [recent court cases](#) and [public relations campaigns](#) launched by both the Innu Nation and Nunatsiavut Government to understand that there are undeniable political motivations for both groups to exclude NunatuKavut.

To suggest that the only way an Indigenous collective can be validated is through Section 35 "neighbours" is another way of narrowly equating identity with Section 35 rights.

3. Self-identification and uncertainty over Indigenous identity is conflated with falsifying identity.

The scope of the verification process is non-specific, ill-defined, and overly broad. It includes:

"... any opportunity within the University that is specifically set aside for, or takes into consideration, Indigenous membership. This includes but is not limited to: hiring for staff and faculty positions; designated seats for Indigenous students; awards, scholarships, fellowships, bursaries, and funding opportunities slated for Indigenous people; opportunities of advantage such as material gain or reputational benefit. The policy is applicable to all members of the University community, including but not limited to students, researchers, employees, members of governing bodies, Elders, Knowledge Keepers, cultural advisors, and persons entering into relationships with the University."

As a result of its broad scope, it is underinclusive and discriminatory. It overlooks several categories of Indigenous people who have legitimate, legally supported claims to being Indigenous, but who fall outside of Section 35 of the Constitution Act, 1982. [Metallic and Simon \(2023\)](#) specifically note that those who are excluded from Section 35 include "those people without Indian Status but entitled to be registered under the Indian Act, the large and growing Non-Status First Nation

population in the region, and members of Indigenous collectives like NunatuKavut Community Council and the Peskotomuhkati Nation at Skutik’.

Although some of these individuals may be captured by the 3.1.3 Pathway C: Displacement and Disconnect, it fails to acknowledge that these individuals likely form a substantial percentage of Indigenous Peoples in Canada, and yet, under this proposed policy are being policed into presenting validation of their identity – many of whom would have to re-hash traumatic family histories as a means to have their identity validated to a “Verification Committee” under Memorial’s policy.

Again, this fails to support in any way Indigenous self-determination over identity because it positions official federal government recognition as the gold standard. This is not in keeping with constitutional law, domestic and international human rights, including the United Nations Declaration on the Rights of Indigenous Peoples (to which Memorial is purporting to adhere).

4. Addressing the conflict of interest within the Vice-President Indigenous office.

In the recent past there have been multiple instances whereby individuals who were members of Nunatsiavut attempted to have their membership cards renewed, but were kicked out. In each instance where this has happened, the Nunatsiavut Government Appeals Board ruled that when calculating the blood quantum of these individuals (which is required to be at least 25% for membership with NG), **yet if they were relying on an ancestor born in NunatuKavut territory, that ancestor was deemed 0% Inuk, even if their genealogy proved that they were in fact, 100% Inuk.**

In each and every instance where this unfair rule was applied and litigated, NG has lost. See examples: [here](#), [here](#), and [here](#).

It is worth noting that (aside from the concerning approach to membership which appears to follow the ethnic policing model of membership -- mentioned above -- rather than a more inclusive and traditional civic definition of identity), the chair of the NG Appeals board was William Andersen. Andersen continues to be a very vocal opponent of NunatuKavut. His opposition to anyone claiming Inuit ancestry in NunatuKavut territory dates back at least to a written report for the Department of Labrador and Aboriginal Affairs that he completed in 1998 entitled “Land Claim of the Metis of Labrador”. In that report, he dismisses and undermines the mounting and clear evidence of historical and ongoing presence of Inuit in south and central Labrador. William Andersen has since been removed from the NG Appeals board.

While one cannot assume that an individual holds the same political views as her father, it behooves anyone in a high-ranking position of authority at an academic institution to disclose anything that might be considered a conflict of interest. It would seem that this is especially true when that individual is the Vice-President Indigenous and is charged with undertaking the development and roll-out of a policy over which her family has had such direct political involvement. Since Catharyn



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Andersen is the daughter of William Andersen, **it would make sense that in the interest of transparency, the university make clear that this conflict of interest exists, and that it has directly informed the development of this draft verification policy. If this is not the case, it would seem prudent for the university to prove otherwise.**

This is especially important given the incredible authority given to the VPI in the draft policy, particularly when it states:

“The VPI or the delegated authority is responsible for ensuring that reports of false claims of Indigenous citizenship/membership are brought to the attention of the Verification Committee. The VPI will determine whether and how to proceed with an investigation of false claims”.

If I were an employee at your institution, and submitted my identity information, and that information was rejected by the VPI, and I am determined to have “falsified” who I am, the VPI then gets to determine how to investigate me? And then, as if that isn’t problematic enough, if I attempt to defend myself and argue against this unfairness, this can be considered a reprisal, for which I can also be found guilty:

“The University prohibits reprisals for good-faith reporting of false claims and will respond promptly to any concerns regarding retaliation linked to this type of disclosure.”

The fact that such an inadequate, discriminatory, and underinclusive policy has been made public speaks to the lack of knowledge and awareness that your institution has with respect to Indigenous legal matters, governance and its own laws and systems of citizenship and membership. I am profoundly disappointed in the political stance this university has taken on this issue and request an apology to all NunatuKavut members who have been deeply harmed by the release of this policy.

To conclude, I would like to end with a quote from Napoleon, who states:

To expect Indigenous people to advocate for themselves is to ignore how colonial oppression has profoundly imprinted itself on the stories of our families and communities. It is to ignore the pain and confusion that generations of Indigenous people continue to unravel.

Sincerely,

Debbie Martin, PhD
Canada Research Chair, Indigenous Peoples’ Health and Well-Being
Professor, Health Promotion
Faculty of Health