

CHAPTER TWO

Traditional Governance and Colonization

AS YOU READ

As you learned in Chapter One, First Nations, Métis, and Inuit peoples believe they have an inherent right to sovereignty and self-government. All had fully functioning forms of government before colonization by European and Canadian governments. Inherent rights cannot be taken away by any action or decision, although the ability to exercise the rights can be. Aboriginal peoples lost the ability to exercise many of their inherent rights during the first hundred years of Canadian history.

Alberta Elder Peter O'Chiese provided the statement on pages 38–39 as part of an Elders' Think Tank to discuss Treaties Six, Seven, and Eight. O'Chiese is a well-known spiritual, cultural, and political leader in Alberta. His ancestors did not take treaty, but his insights into the agreements influence many First Nations leaders.

His guidance, and that of other Elders about the spirit and intent of treaties, makes an important contribution to self-government negotiations between First Nations organizations and the federal government. Why is oral history a significant part of interpreting treaties? Why are treaties a significant part of many First Nations' self-government negotiations? Why are treaties not part of all Aboriginal peoples' self-government negotiations?

FOCUS QUESTIONS

As you read this chapter, consider these questions:

- ▲ What are traditional forms of First Nations, Métis, and Inuit governance?
- ▲ What values are connected to traditional forms of governance?
- ▲ How do Aboriginal cultures understand their relationship with the land?
- ▲ How were First Nations, Métis, and Inuit governance traditions affected by the formation and growth of the Dominion of Canada?
- ▲ What provisions did treaties make for self-government?
- ▲ How is the Manitoba Act significant for Métis rights?
- ▲ What is the Indian Act and how did it affect First Nations' right to self-determination?

Symbolism of the Pipe

A statement by
Peter O'Chiese on
March 1, 1976, as translated
by Harold Cardinal and
published in *The Spirit of
the Alberta Indian Treaties*

TODAY WE TALKED ABOUT THE POWER THAT WE WERE GIVEN FOR AS LONG AS THE SUN WAS THERE, FOR US TO USE OUR MINDS. YOU WERE asked today what were the treaties. You have talked about the aboriginal man, the first man. It is because of him that we have what there is today. There were, at that time, two aboriginal beings, and they were given separate things. Our man or our people were given one thing and that was to be kind and to have a gentle heart. We were given something that was straight so that our lives could be straight, and we were given something that was strong so that we could be strong. All of that taken together is life, and that which is talked about is passed on from generation to generation...

Sweet-grass and incense are symbols for our pipe and stem, for the gentleness that has to be for all of us who are Indian. The stem symbolizes for our people the straight road that we have to follow. When you see the pipe made out of stone, it symbolizes for our people the strength that we must have in order to keep our faith and our way of life. The fire that is

there symbolizes a source of life, wildlife, or food. So all of you who are sitting around the table talked about it today.

When the old men said, "We do not give you our timber," what they meant was that they did not give their pipe stem.

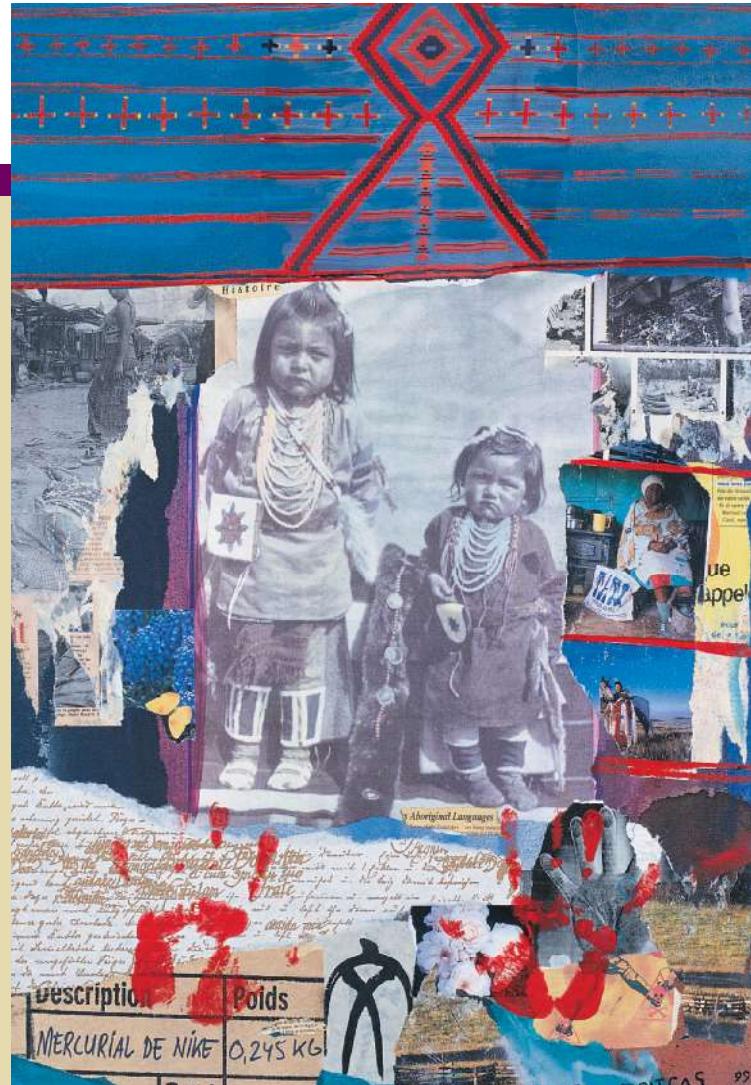
When they said, "We do not give you our grass," they meant that they did not give their sweet-grass or incense.

When our people said, "We do not give you the rock of the mountains," they meant they did not give their pipe bowl. They use the term rock out of which the pipe is made.

When they said, "We do not give you our animals," it was meant that they did not give their fire, the fire that is used in our ceremony.

All these things we have, and from there we should be able to talk about the discovery of things the white man wrote about our treaties. He wrote his treaties from his understanding and we wrote ours from our understanding.

When we go back to the point of the original men with the Indian and the white, they were made by the same creator; the creator who made both these people was kind. Because he was a creator and he was good, he dealt with both the original men with peace and fairness, so that neither of the original men would have anything to be unsatisfied about.... The other thing we should keep in mind is that since the creator dealt fairly with both the



original men, and since he tried to make them both equally happy, we also have a responsibility today, whatever we come up with, to make sure that both sides are happy.

*In Bonne Fête Canada,
do you think artist
Jane Ash Poitras is
really celebrating
Canada Day? How is
her work ironic?*

REFLECTION

1. Write down the main ideas from Peter O'Chiese's statement and explain each in terms of self-government, inherent rights, and treaties.
2. Jane Ash Poitras was born in Fort Chipewyan, but was raised in Edmonton by a foster family. Her style is easily recognized through its use of photographs, text, and paint in collage, as well as for the topics she addresses. Create your own collage in response to her work or to Peter O'Chiese's statement on this page.



Traditional Governance

AS YOU READ

Since Confederation in 1867, the federal government has played a dominant role in the lives of Aboriginal peoples in Canada. For about a century following Confederation — until the late 1960s and early 1970s — Aboriginal peoples in Canada had their self-governing abilities severely restricted by federal government legislation.

To understand how federal government decisions affected Aboriginal governance so profoundly, you must understand the nature of traditional forms of governance. Pages 38–49 describe some of the diverse traditions of government and the place of government in traditional Aboriginal communities. Before you begin reading, think about the role of government in Canada today. With a small group, discuss your ideas and list the ways in which government operates and the roles and services it provides to its citizens. As you work through this section, compare these roles to those of traditional Aboriginal governments.



Traditional First Nations and Inuit governments were inherently related to how each group of people lived with its specific environment.

The Canada/United States borders are shown to provide contemporary reference points for these geographic regions. The borders have only existed since the end of the nineteenth century.

THE LAND SHAPED VIRTUALLY EVERY ASPECT OF TRADITIONAL FIRST NATIONS AND INUIT LIFE. IT HELPED DETERMINE DAY-TO-DAY activities, social and political structures, language, and even art and spirituality. It lay at the centre of people's very identity. Governance for the people often meant governance for the land.

Although First Nations and Inuit people inhabited North America for thousands of years before Europeans arrived, they left little impact on the landscape. They found ways to live in balance with their environment. Their needs were the land's needs and the land's needs were their own.

GEOGRAPHY AND GOVERNANCE

Canadian territory can be divided into six **geographic environments**: Arctic, Subarctic, Eastern Woodlands, Plains, Plateau, and Pacific Northwest. Each geographic environment provides different resources and challenges to the people who live there, shaping both their lives and their cultures. As a result, people within the same environment frequently share many similar cultural characteristics. Each geographic environment corresponds to a general **cultural environment**.

The Arctic

Many aspects of Inuit culture directly reflect the demands of life in the Arctic. Inuit people developed many unique technologies that allowed them to live in an extreme environment. The people received much of what they needed for life

from just a few resources, such as seals, caribou, and whales.

Traditional Inuit societies were built around extended family groups. Families came together in larger camps when hunting was good and moved apart when food was scarce. They built dwellings of snow, ice, skins, whalebone, driftwood, and other available materials, and designed highly specialized clothing to keep themselves warm and dry. They travelled by dogsled across the land, by *qayaq* (kayak) on the sea, and by *umiaq* (large boats with bone runners on the bottom) over ice.

The Subarctic

The Subarctic covers the largest proportion of Canada. Except for the tundra in the north, the Subarctic is largely covered by dense forests, with many lakes, rivers, and wetlands.

First Nations of the Subarctic traditionally supported themselves by hunting, trapping, and fishing, and by gathering edible plants. Like the people of the Arctic, they lived mostly in extended family groups, moving seasonally to take advantage of different resources. As a result, their home included a large territory. Family groups would gather at specific times of the year to celebrate, participate in ceremonies, and socialize with friends and relations.

The Eastern Woodlands

In the Eastern Woodlands, migratory movements were not usually required to take advantage of the region's animal and plant resources. In the southern parts of this region, for example, people lived in year-round settlements and grew crops such as squash, corn, and beans.



In traditional First Nations and Inuit cultures, people's sense of identity as human beings came from their relationship to the land and its resources. Each nation's specific connection to the land varied with the landscape. For example, Plains First Nations, such as those from the Blackfoot Confederacy, had ways of life and spiritual beliefs that centred on the buffalo, a significant resource of their region.

These settlements had large populations, so the people had more structured political systems than the mobile groups of the Arctic and Subarctic.

In northern regions of the Eastern Woodlands, agriculture was less common. As a result, ways of life and political institutions reflected the needs of smaller, more mobile groups.

The Plains

On the Plains, First Nations life revolved around the buffalo. For thousands of years, the buffalo provided the people with food, fuel, clothing, bedding, tools, ceremonial objects, and shelter. It was the centre of many spiritual traditions.

For much of the year, Plains First Nations lived in groups of 80 to 240 people. In the summer, several such groups gathered for communal buffalo hunts, social events, and ceremonies. Political institutions adapted to the size of the group, becoming more structured when larger numbers of people gathered.



Like symbols of the buffalo, which appear in the artwork of Plains First Nations, images of salmon often appear in the work of artists with a Pacific Northwest heritage. This house post was carved by Xwa-Lack-Tun (Rick Harry) as part of the Emily Carr Institute's carving apprenticeship program. Such symbols reinforce the significance of the salmon in traditional ways of life.

The Plateau

First Nations of the Plateau region supported themselves by hunting, by gathering edible plants, and by fishing in the region's many rivers and streams.

For most of the year, people migrated in seasonal patterns, living in temporary wooden lodges or hide-covered tipis. In the winter, they gathered together in larger, semi-permanent villages along the rivers. Their systems of leadership and government, like those of other First Nations, adapted to the needs of the community and size of the group.

The Pacific Northwest

In the resource-rich coastal areas of the Pacific Northwest, First Nations lived in large, relatively permanent settlements. The forests had abundant game and edible plants, and the enormous trees provided excellent building materials. The ocean offered fish, shellfish, and marine mammals, and the rivers teemed with salmon. As in the Eastern Woodlands, the high concentration of resources encouraged people to live in large groups. This resulted in highly structured social and political lives.

These geographic and cultural classifications serve as only a rough framework. First Nations and Inuit peoples of long ago did not always conform to such neat categories. Groups living in similar environments sometimes had very different ideas, languages, and lifestyles. Cultures evolved naturally, and ways of life adapted to suit specific circumstances, not arbitrary categories.

For example, the Métis culture that developed in the West was a combination of European and First

Nations traditions. This was a natural response to social and economic conditions of the fur trade, in which Europeans and First Nations were partners.

In general, however, the geographic divisions described in this section offer a way to make reasonable generalizations about highly diverse First Nations and Inuit cultures. In turn, the generalizations point to how closely the cultures are tied to particular lands.

TRADITIONAL TERRITORIES

To the eyes of the first European arrivals, Canada looked like a wilderness, largely uninhabited and undeveloped. The Europeans came from a continent of cities, factories, and farms. To them, Canada was a land of untapped potential.

To First Nations and Inuit eyes, of course, the land looked very different. It was their home, the provider of life — not a resource to be tamed and exploited.

Most First Nations people did not see one particular spot on the landscape as home, the way somebody from London or Paris might. Their way of life encompassed large territories. Even groups from the Pacific Northwest and Eastern Woodlands used large territories around their permanent settlements. Many people moved from place to place throughout the year in a **circular seasonal time frame**. Their movements followed traditional trails that corresponded to seasonal change and the availability of resources. Land and resources might be shared, depending on circumstances. Territories might overlap or shift

over time, but people generally lived in much the same territory as their ancestors and travelled the same routes each season.

As part of seasonal movements, people encountered other groups and had various ways of ensuring harmonious relations. These included gift-giving, intermarriage, treaties, and other kinds of alliances.

At certain times of the year, many different groups would gather at specific locations to trade, renew alliances, and socialize. In Alberta, two regular meeting areas included Head-Smashed-In in southern Alberta and Ena K'ering Ká Tuwe (Cree Burn Lake) in northern Alberta. People gathered regularly at these spots to use communal resources and trade with one another.

Despite a certain degree of territorial flexibility, First Nations derived much of their identity from their relationship with specific places on the landscape. These relationships did not change. Many First Nations' names reflect the environments in which they lived. The Huron called themselves Ouendat — “the people of the peninsula” — because their territory was surrounded on three sides by water. The Maliseet of New Brunswick call themselves Welestuk — “of the beautiful river.” The Gitskan are the “people of the Skeena [River]” and the Toquaht are the “people of the narrow beach.”

The people of such territories had many rules about respecting and preserving the integrity of the area. Ensuring that the Skeena River was healthy was tantamount to ensuring that the Gitskan, the people of the river, were healthy.

CONTROLLED BURNS

Many traditional forms of Aboriginal governance reflected the need to care for the land. One traditional technique was the use of controlled burns — deliberately set fires — to increase the diversity and productivity of animals and plants. Through traditional knowledge, gained from generations of observation and experience passed down through the oral tradition, First Nations knew

that more abundant game and plant life lived in areas regenerating after a fire. The nutrients from the ashes of the burned vegetation encouraged the rapid growth of trees, shrubs, grasses, legumes, bulbs, berries, and other plants. The lush new growth attracted bison, moose, deer, elk, hares, and grouse, as well as predators, such as coyotes, wolves, and bears. Rivers and lake shores cleared of dead reeds and grasses attracted beavers and muskrat.

The ways First Nations used fire varied according to their needs and the time of year. Controlled burns were used to create or enlarge meadows for game, to clear sloughs and lake shores of dead plant material, to clear trails of brush to make travel on foot or horseback easier, and to clear forested areas of deadwood.

As contemporary forest managers now understand, deliberately set fires in early spring or late autumn are less dangerous than natural fires started by lightning in the summer. Humidity and wet vegetation in the spring and autumn help to keep the fires small and easy to control.

REFLECTION

How are traditional land management techniques a form of governance? How might First Nations and Europeans see this aspect of governance differently?



As First Nations have known for generations, contemporary forest managers have learned that periodic fires help maintain healthy forest ecosystems.



LAND AND GOVERNANCE

The excerpt on this page is from research by Paulette Fox and Duane Mistaken Chief, members of the Blood Tribe. Fox, mother of five-year-old Austin, works in environmental research and protection and has completed her Master of Science thesis. She will graduate in June 2005. Mistaken Chief is a past member of the litskinaiyiiks (Horn society). Along with others, he assisted in bringing back the Kakkoaksi (Dove society). He works at Red Crow Community College, where he researches and teaches Blackfoot Language and Culture.



Paulette Fox

For the Blackfoot, the land is a source of life, just as a human mother is a source of life. The Rocky Mountains border the traditional territory on the west; the Blackfoot people refer to these mountains as the Backbone of the Earth, or *mistaakii*. In other words, She carries us on her back. In an interview, Pablo Russell, a member of the Blood Tribe in Southern Alberta, said

...Our hair is the grass on the prairie; our bones are the mountains; our veins and arteries are rivers, streams, creeks; our breath is the wind; our heart is in the middle of the earth.... So for us Mother Earth is more than just a provider. For us, She's our teacher, our protector; we learn from Her... we heal from Her.

From this quotation, we see that, in many ways, the land is alive, it is real, it is the Mother of all life on earth. The Blackfoot hunted and harvested for their sustenance. As a result, the minerals in their bodies and the minerals in the plants and animals were very much the same, and, therefore, there was equilibrium between the people and the surrounding environment. So, we begin to see, as Mr. Russell implies, that the Blackfoot are the land.

How do the Blackfoot view the land? They view the land in terms of their alliances, as themselves and as other life forms. Therefore, when they view the land, they see themselves and all life. So when managing the land, they are really managing the relationships with their family, friends, and also their relationships with plants and animals, like the beaver and the bison. These relationships are critical to understanding the way in which the Blackfoot view and in turn manage the land they call *nitawahsinnaan*. Translated, this means source of food/sustenance.

[During the winter, various Blackfoot clans] would come together and this was the time to tell stories, to carry out the oral custom. After winter, the clans would move to other parts of the territory, and at these times, Russell provides that the people "would move every three days so the grass could stand back up, we didn't overuse an area." He also comments that if the clans camped in twos, or more, they would camp a couple kilometres apart. They wanted to be able to have clean water and this space between them allowed the water to filter itself and be clean for downstream users. Some clans preferred the hummocky terrain of the prairie regions and were named for this. Some preferred the mountain terrain and were named for this. No matter their preference, wherever they were, they had a responsibility to care for and treat the land with respect.

REFLECTION

In your own words, explain the form of traditional governance described by Fox and Mistaken Chief.

TRADITIONAL GOVERNMENT

Aboriginal people's traditional leadership and decision-making methods were closely connected to how groups lived on the land. For example, small groups that migrated seasonally had different needs from large groups that lived in permanent settlements.

Small groups can be more flexible about leadership and decision making because it is easier to ensure that everyone has a voice. Leaders can be called upon when needed, and group members consulted informally. For example, in migratory groups of the Plains, Arctic, and Subarctic, leaders were often not selected in a formal way. They were more often recognized by their community in a process that was informal and fluid, depending on the needs of the group. Members of a community might turn consistently to particular individuals for guidance on spiritual matters and others for guidance on hunting or conflict resolution. Sometimes several individuals would be held in high regard as leaders for a group.

Other circumstances, such as large ceremonial gatherings or communal buffalo hunts, might require more formal leadership and peacekeeping. Each nation and community had its own ways of dealing with large groups, but governance always responded to the needs of the people and the land.

For example, the Dunne-za did not have laws. According to Dominique Habitant, a Dunne-za First Nation Elder, the people instead asked Teegay Ontlay (He Who Made the World) for guidance.



Blueberry pickers like Flora Venn, pictured here at La Ronge, Saskatchewan, traditionally scattered a few berries and prayed as a way of giving back to the earth and saying thank you. How could this spiritual practice be considered a technique of land management?

People would then get direction through dreams or signs. Sometimes a prophet or wise person would get special knowledge.

In traditional worldviews, one area of life cannot be separated from another. Government was traditionally not an aspect of society that was separate from other aspects, such as hunting, spirituality, and culture. All were woven into customs and practices that made a way of life. The source for all customs and laws was the Creator.

For many First Nations, the Creator's laws were apparent in the way the world functioned. The Creator's laws governed all of existence, not just human interactions. People were reminded how they should live by observing the natural world around them — animals, plants, weather, stars, and the moon. Laws of governance could not conflict with economic, social, or spiritual laws, because all followed natural laws. Natural laws are the Creator's laws written upon the world.

LAND GOVERNANCE AND THE SUNDANCE

Paulette Fox and Duane Mistaken Chief, whose work you began reading about on page 42, also write about the *Akoka'tssin* (Sundance) and its significance in terms of Blackfoot land management and governance. Their work demonstrates how traditional Blackfoot culture expressed and reinforced its system of law in daily life, symbolism, and ceremonial gatherings. An excerpt from their work follows.

There are four tribes in the Blackfoot Confederacy. Each moved and had their own general areas that they occupied. In turn, each tribe had several clans. Clans would gather resources and then share them. You might think of clans like a group of family and friends working together....

Throughout Blackfoot territory are ancient rock formations that record a lived experience that goes back many generations. Allan Wolf Leg, member of the Siksika Nation, talks about the rock formations as “memorializing” some important aspects of the Blackfoot way of life; the Blackfoot refer to this as *kipaitapiisinnooni*. These memorials or monuments became *living* memorials about 2000 years ago. The rock formations were visited but no new ones were constructed. Instead, a living circle of clans was formed once a year, during *Akoka'tssin*, the “time of all people camping together”: the Sundance. Inside the living circle are Societies.

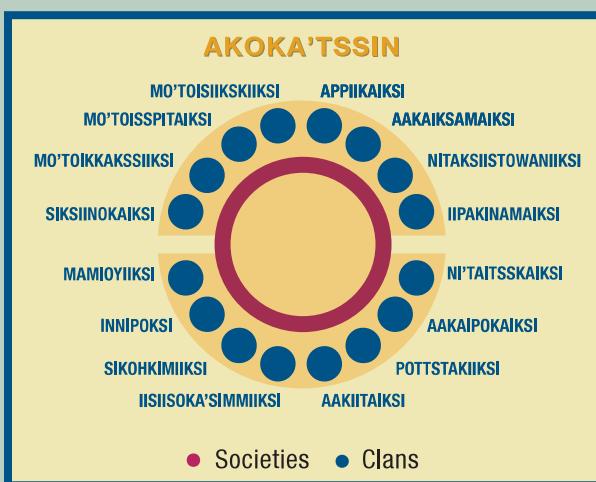
Wolf Leg talks about these Societies as law libraries. The people are walking files who record the lived experience and the relationship with the surrounding environment is renewed in the ceremony processes. The rules of these Societies make up the rules of governance, and because the people were so close to the land as in their relationships, it also translates as the rules of land governance.

The roles of clans and Societies are interconnected. In this diagram of the Kainai *Akoka'tssin*, the clans are on the outside, or the rim of the circle. In this way they are protectors of the Societies, who in turn hold sacred, holy information. These are the laws. This information is meant only for Society members, but all the people take part in feasts. The Societies that feed the people are, in the words of Beverly Hungry Wolf, essentially giving them life. And life is sacred.

Each clan has its own specific place in the circle and in turn it has its own region in the territory that they occupy. In this way, the direction in the circle where they set up camp for the *Akoka'tssin* also extends to the land, *nitawahsinnaan*. The way they come together to make a living memorial, they also leave and go about their business, keeping in mind these ways of the *Akoka'tssin*.

Your Project

Using correct protocol, invite an Elder to visit your class to discuss his or her culture’s traditional land management or governance system. How was this system an integral, living part of people’s lives? How did the people use various types of symbolism and expression to reinforce their system of governance?



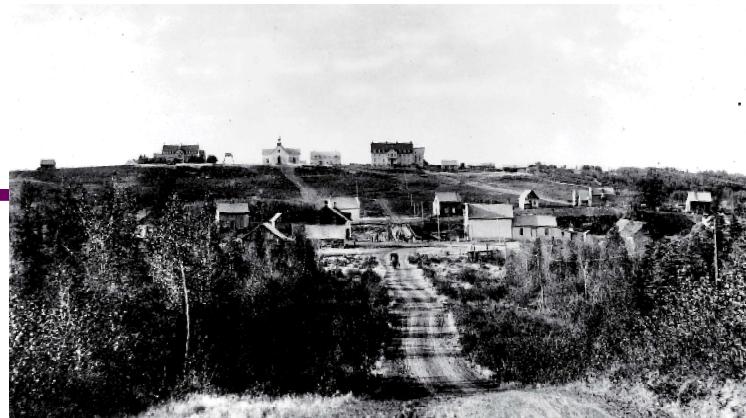
MÉTIS GOVERNANCE

Traditional Métis governance was also tied to the land, but in a different way than First Nations and Inuit governance. Like many First Nations, Métis people at Red River relied upon the buffalo hunt for food, clothing, and trade. Hundreds of men, women, and children needed to be organized and prepared for their roles in the hunt. At the beginning of each hunt, captains, soldiers, and guides would be selected by the group, with one captain as senior leader. These leaders formed a council that developed strict rules to ensure the hunt's success and to deal with any problems.

This structure and style of leadership was easily adapted to military situations, which was part of the reason Métis people were a powerful force in situations of conflict. Métis history includes many military victories, such as the Battle of Seven Oaks in 1816 and the Battle of Grand Coteau in 1851.

Métis settlements had organized systems for governing life outside the hunt as well. Rules reflected the values and priorities of the community. As early as 1870, the Métis people from the Lac Ste Anne, St. Albert, and St. Joachim parishes in present-day Alberta had a comprehensive set of laws for their communities, along with a clear system for enforcement. These laws are known as the Laws of St. Albert.

Church leaders were instrumental in developing the laws, reflecting the cultural importance of the Roman Catholic Church to the communities. A number of the laws reflected moral attitudes about



Around 1892, when this photograph of St. Albert was taken, the Roman Catholic mission played a dominant role in the lives of Métis people in the area. The mission is visible on the hill to the left of centre.

correct behaviour that came from the church's teachings. However, the rules also reflected how the community made their living off the land. Of the thirty-nine Laws of St. Albert, fourteen dealt with horses, cattle, and the management of land and fences. The importance of horses to the community is clearly revealed by comparing the penalties for offences. The fine for horse theft—four pounds, ten shillings—was the same as the fine for assaulting a person with a weapon.

Rules of the Buffalo Hunt at Pembina, 1840

1. No buffalo to be run on the Sabbath-day.
2. No party to fork off, lag behind, or go before, without permission.
3. No person or party to run buffalo before the general order.
4. Every captain with his men, in turn, to patrol the camp, and keep guard.
5. For the first trespass against these laws, the offender to have his saddle and bridle cut up.
6. For the second offence, the coat to be taken off the offender's back, and be cut up.
7. For the third offence, the offender to be flogged.
8. Any person convicted of theft, even to the value of sinew, to be brought to the middle of the camp, and the crier to call out his or her name, three times, adding the word "Thief" at each time.

— from *Métis Land Rights in Alberta: A Political History*



ABORIGINAL LEADERS AND LANGUAGES

Blackfoot	<i>kinniina</i> (head chief, literally “chief with the medallion”)
Cree	<i>onikaniw</i> (leader)
Dene Sųliné	<i>k'o theri</i> (male chief, literally “big boss”) <i>k'o teri ts'ekwi</i> (female chief) <i>naiyati</i> (council, literally “they get together to discuss something”)
Dené Tha'	<i>ndagha lo ndadedi</i> (the person who stands up first for us)
Dunne-za	<i>maytee</i> (chief)
Inuktitut/ Inuvialuktun	1. <i>hivulliuktit</i> (person who is a leader) 2. <i>itqillit ataningat</i> (First Nations leader) 3. <i>atanikpak</i> (a person who people look up to, literally the “big boss”)
Métis Cree	<i>kiskinoh'tahi wew</i> (leader)
Michif	1. <i>chef</i> 2. <i>la tet</i> 3. <i>le bos</i>
Nakoda	<i>hunga</i> (chief)
Saulteaux	1. <i>okimahkan</i> (chief) 2. <i>kikitowinini</i> (band councillor)
Tsuu T'ina	<i>ha ki gi</i> (chief)

Indigenous Knowledge



Athletic competition offers many opportunities for individuals to excel and become role models for others. The North American Indigenous Games (NAIG) were first held in 1990 in Edmonton. First Nations people from Alberta, such as Willie Littlechild and John Fletcher, were instrumental in the vision guiding the formation of the games. The NAIG offers many young Aboriginal people the opportunity to meet and compete against one another in a variety of sports.

What Aboriginal athletes can you name? In what sports do they excel? Do you consider them leaders? Explain why or why not.



Team Alberta is shown here at the North American Indigenous Games in 1995, which were held in Minneapolis, Minnesota.

ABORIGINAL LEADERSHIP THEN AND NOW

In Métis history books, leaders are individuals with gumption and fire, people like Gabriel Dumont and Louis Riel. They are crisis leaders who emerge when Métis communities are threatened. They fight for their people’s rights, without any kind of personal agenda.

However, these leaders were not the only or even most common kind of leader. Many more Métis leaders, like those of First Nations and Inuit peoples, were admired for particular skills and abilities. They led because others looked to them for advice and guidance.

In Aboriginal communities today, leadership can be informal and more traditional, or formal and more contemporary. Some people lead with a combination of both styles.

Formal leadership is structured and involves governance over a particular group, often for a fairly long period of time. Expectations are clear and the leader has assigned

duties. Chiefs and band councillors are the most obvious example.

Informal leadership is less structured. Informal leaders often evolve as others naturally turn to them for guidance because of their skill, experience, or wisdom. In traditional societies, someone who was a skilled hunter might act as leader of a hunt and then, when the hunt was over, return to his usual position in the group. Another leader might be a gifted artist, speaker, cook, or storyteller.

The characteristic of many Aboriginal leaders that makes them distinct from many non-Aboriginal

leaders is that they often do not seek leadership roles. Even political leaders who run for office and are elected through popular vote frequently take this step only at the request of Elders or others in their community.

Persistence and the ability to make a difference are valued leadership qualities in both Aboriginal and non-Aboriginal communities. Both cultures also require that leaders foster the trust of their followers. The best leaders, whether formal or informal, are those who inspire others to achieve tasks and attain high goals.

COMPARING CULTURAL FORMS OF GOVERNANCE

How does culture affect systems of government?

WHAT TO DO

1. Research traditional Aboriginal leadership and government systems through oral history and other stories from oral traditions. You might use published collections of Elders' stories or, if possible, approach an Elder from a local community to share knowledge with you. If you do approach a community Elder, be sure to use proper protocol.
2. Examine ideas of leadership in non-Aboriginal society. You might look at news stories about people considered to be leaders, biographies, books about leadership skills, or even career ads for management positions. What leadership qualities and styles seem to be most desired in non-Aboriginal society?
3. Create a collage or other work of art that captures the ideas you find in your research. Consider using symbolism appropriate to the leadership style you are trying to convey.
4. Present your work to your class. What do leadership styles convey about a people's culture? Are there significant differences between contemporary Aboriginal leadership and non-Aboriginal leadership? Explain your answer with specific examples.





ROLE OF ELDERS IN THE SCHOOL

Elders are traditional leaders found in all Aboriginal communities. Yet their precise role can be difficult to pin down. Some are keepers of traditional ceremonies and practices. Others have special kinds of knowledge or wisdom. However, their leadership roles are usually informal. Finding an Elder can take many discussions with community members.



Bob Cardinal has been an Elder at Amiskwaciy Academy for many years.

Humility is an important part of being an Elder. For example, once someone quite bluntly asked me “Are you a pipe carrier?” I replied that the pipe carries me. I’m honoured to use it.

I don’t proclaim who I am, but when protocol (tobacco) is made, that’s when you come as an Elder. Being an Elder is being a servant of our Creator, of the people, and lastly of yourself.

The first time I was called an Elder was ten or fifteen years ago. I was in a

large group where everyone introduced themselves. I said that I was an *oskapis*, a cultural helper. An old man who I didn’t know, an Elder, said I was “a baby Elder.” I’m just learning.

Being an Elder is learning how to discipline yourself in a spiritual manner. Being a humble servant of the Creator is to walk where no one has walked before and to open doors to anyone who wants to listen.

Elders have earned the respect of the community. I try to follow the teachings of Joe P. Cardinal, whose gentle, patient, humble wisdom showed me that Elders are people who walk softly on Mother Earth. If you follow your heart, you cannot go wrong. The greatest gift is love. With anger you cannot grow anything.

If you respect other people and the ceremonies, that respect comes back to you.

— Bob Cardinal, Enoch First Nation

Amiskwaciy Academy in Edmonton is a high school that operates with Aboriginal values and beliefs at its core. In contrast to informal leadership roles, the school has several Elders on staff to assist with various functions. Assistant Principal Theresa Cardinal wrote the description of Elders’ roles at Amiskwaciy that follows.

Summary

The title Elder does not necessarily mean a certain age. In Aboriginal society, one is designated an Elder after acquiring significant wisdom, experience, and knowledge, and after he or she has been accepted by the community as worthy of the title. Some Elders possess a wide range of knowledge and skill in several areas. One Elder may be recognized for expertise in the field of past, present, and future politics, while another may be recognized for expertise in oral history, storytelling, legends, spiritual beliefs, or arts. When Elders share, the traditional knowledge can expand a student’s insight beyond the perspectives of the teacher and classroom resources.

Prior to approaching an Elder to share his or her knowledge, it is essential that the individual seeking information initiate the cycle of giving and receiving through an appropriate offering. This offering represents respect and appreciation for the knowledge that will be shared by the Elder.

I was sent to the Fourth World Women's Conference (Beijing, 1995) on behalf of the National Métis Women of Canada. I was co-chair of the Canadian Beijing Facilitating Committee. When the meetings got going, I was very busy and hadn't been to the Indigenous Women's Caucus tent for two days. I remember rushing over to the tent and into a circle of women. I heard someone say "Here comes our Elder," and I looked behind me to see who they were talking about. When I realized they meant me, I was shocked. That was the first time anyone honoured me with the title of Elder. Shortly after that time, I was named to the provincial Elder's Council for the Métis Nation and have been an Elder Advisor at Amiskwaciy Academy in Edmonton for five years.

— Marge Friedel, Métis Nation of Alberta



What role do Elders, such as Marge Friedel, shown here with a student at Amiskwaciy Academy in Edmonton, have in the future of indigenous peoples' cultures? Why do Elders and youth often share a special relationship?

Responsibilities

1. Provide guidance, support, and counselling to students and staff.
2. Provide support and offer advice to the teaching staff.
3. Conduct ceremonies and other spiritual events as required.
4. Assist in the development of culturally relevant lesson plans.
5. Assist in the instruction of crafts and other culturally related activities.
6. Offer individual and group consultations. Be able to lead healing circles.
7. Provide cultural meanings to events and experiences.
8. Assist in the recording and collection of various cultural events or activities.
9. Provide support within resolution circles that deal with crisis or re-entry to school after suspension.
10. Provide support for staff for de-briefing, especially after stressful situations in school or other locations.

REFLECTION

How are Elders leaders at Amiskwaciy Academy? How does their leadership differ from other leaders at the school, such as teachers or administrators? If you have Elders available as resources in your school, invite them to your class to discuss their ideas about leadership.

LOOKING BACK

In your own words, explain the historical relationship between First Nations and Inuit peoples and their traditional territories. Describe how this relationship was seen in traditional forms of government. How was government related to other aspects of life, such as spirituality? How was traditional Métis governance different from First Nations traditions? What aspect of Métis culture likely influenced these differences?

Self-Government and the Growth of Canada

AS YOU READ

As you learned in the last section, traditional Aboriginal forms of government are intimately connected to ways of life on the land. Laws govern not only people's relationships with one another, but also with other groups of people, and with the land and its resources.

Pages 50–57 examine how Aboriginal peoples' self-governance was impacted by the creation and early growth of the Dominion of Canada. As you read, think about how and why First Nations, Métis, and Inuit peoples' relationships with the federal government followed different paths. As you read, try to answer the questions that follow: What powers of self-government are essential? What attitudes shaped federal government policies? What were First Nations' expectations for self-government as established by the numbered treaties? What happened to First Nations' cultural and political traditions under the Indian Act? How were Inuit and Métis peoples' self-government affected by federal government attitudes and policies?

AS YOU LEARNED IN CHAPTER ONE, THE NUMBERED TREATIES ESTABLISHED THE BASIS UPON WHICH CANADA EXPANDED ITS TERRITORY AS A NATION AND UPON WHICH FIRST NATIONS TOOK THEIR PLACE WITHIN THE COUNTRY.

- These treaties and the legislation enacted to implement them continue to shape the federal government's role in the lives and governments of First Nations people.

Métis and Inuit peoples' relationships with the federal government followed different paths. Neither group signed a treaty with Canada. This has led to relationships with the federal government that differ from each other and from First Nations.



This silver medal, which has Queen Victoria's head on the back, was presented to the chiefs and councillors of Treaty Eight. Most First Nations leaders argue that the right of First Nations people to self-government has never been given or taken away. How does the symbolism on this medal support their position?

WESTERN FIRST NATIONS IN EARLY CANADA

The federal government began making treaties with First Nations soon after Confederation. Between 1871 and 1921, they signed eleven numbered treaties with First Nations across the West.

First Nations that signed treaties believed that the agreements made provisions for their traditional way of life, including government, to continue. The basis for this belief includes oral promises made during treaty negotiations and interpretations of written treaty terms.

Also significant is the nature of traditional forms and roles of government in the lives of First Nations people. For example, to First Nations treaty negotiators, a guarantee of hunting rights was not and could not be separate from a guarantee of traditional forms of government. For many First Nations, the people who led hunting parties *were* the government, or at least a significant part of it. Traditional hunting could not exist without traditional leadership.

For federal government treaty negotiators, however, culture, religion, economy, and government were separate, although intersecting aspects of society. Each aspect had its own set of institutions and priorities. A guarantee of hunting rights would have meant a guarantee of some economic independence, but government would not likely have been

considered part of the promise. To government negotiators, the right to traditional government would need explicit mention in the treaty agreement in order for it to be legitimate.

Furthermore, in a European worldview, priorities from one aspect of life could compete with priorities from another. Cultural priorities could compete with political priorities, for example. The best resolution of conflicts between different priorities would be one that satisfied a majority of people.

From a First Nations worldview, all aspects of life followed one set of laws and priorities: those of the Creator. Conflicts would be resolved with a holistic view to the resolution that would best satisfy these laws.

Given these different understandings of how the world functioned, it is not surprising that treaty negotiators misunderstood one another. When treaties included the statement that follows, for example, it is likely that First Nations believed their rights to their traditional way of life, including the right to govern themselves, were guaranteed:

Her majesty further agrees with her said Indians that they, the said Indians, shall have the right to pursue their avocations of hunting and fishing throughout the tract surrendered as hereinbefore described...

This understanding, plus oral testimony from Elders who were witnesses to the signing, give clear evidence that First Nations did not believe they were giving up their right to govern themselves when they signed the treaties.



The presence of religious officials at treaty negotiations made some First Nations more willing to trust government officials. Here Father Lacombe is shown to the right of commissioner J. A. Cote at Athabasca Landing, Alberta, in 1899.

Church officials in Treaty Eight and the Royal Canadian Mounted Police in Treaty Seven were influential in convincing First Nations to trust treaty negotiators. Their presence and support of the agreements often tipped the scale in terms of treaty acceptance, as shown in the statement that follows about Treaty Eight.

My dad was there when they first signed the treaty. It took two days for the whitemen to convince Mikisew (Metkitin [Cree leader]) to take the treaty money. The whitemen were the Queen's workers, government people. On the third day a priest went with the whitemen to see Mikisew. He told Mikisew to "take the money and nothing would be taken away from your people, for example, hunting and trapping rights." Mikisew took the money, which was \$25.00 then.

— Mary Rose Waquan,
Inkonze: The Stones of Traditional Knowledge

In many cases, these influential officials felt misled by government negotiators in the decades following the treaty signings. Bishop Breynat states his disillusionment in the passage that follows.

I was present at nearly all places in the north when the treaties were signed. In many places it was my influence which resulted in the Indians signing these documents.... It has been a great personal disappointment to see my word broken by the thoughtlessness of a nation.

— Bishop Breynat, *Inkonze: The Stones of Traditional Knowledge*



INTERPRETING TREATIES AND SELF-GOVERNMENT

Self-government, *aawattokakihtsimaani* in Blackfoot, *nehiyaw pimipayhisôwin* in Cree, and *i daa na hih na naa a* (we will determine for ourselves) in Nakoda, is an inherent part of First Nations life, identity, and spirituality. The Cree describe inherent rights as *pimâtisewin tân'si Kisemanito kâ kî isi miyikoyahk* (to live as the Creator intended). Similarly, the Blackfoot describe inherent rights as *iitoomita'paissô'p anno ksaahkoi* (The Creator gave us our way of life. We were here first on the land.) Given the significance of these ways of life, it is highly unlikely that First Nations would have willingly given them up during treaty negotiations. This concurs with oral history about treaty negotiations. As written in a 1979 paper titled "The First Nations: Indian Government and the Canadian Confederation,"

First Nations maintain that the written treaty documents do not adequately contain the full sense of agreement that was reached during negotiations. This full spirit and intent of the agreement can be accessed through oral history. Oral history indicates that First Nations ceded only specific, named rights, while retaining all others.... they granted some of their powers to the Crown in exchange for certain benefits and rights... Indian people entered into a political arrangement with the Crown so that they could live as Indian people forever... By signing the treaties, the Indian nations created an ongoing relationship with the Crown in Indian social and economic development in exchange for lands surrendered.

— Delia Opekokew for the Federation of Saskatchewan Indians

What was the spirit and intent of Treaties Six, Seven, and Eight with respect to First Nations self-government?

WHAT TO DO

1. Working with a small group, research the terms of Treaties Six, Seven, and Eight. All can be accessed online at the Indian and Northern Affairs Web site at www.ainc-inac.gc.ca. You can also access an interpretation of each treaty at the same site. Which treaty area do you live in? From the federal government's perspective, how would each treaty be interpreted in terms of First Nations self-government? Use evidence from the treaties to support your ideas.
2. Find oral history accounts of the three treaties. You might refer to books or Elders from a local community. If you consult with Elders, be sure to use correct protocol. What are First Nations perspectives on the intentions of each treaty with respect to self-government?
3. Within your group, compare the written text of the treaties with the spirit and intent of the treaties as provided by oral history. How do you interpret each in terms of self-government? Justify your ideas using specific evidence from treaty terms or oral history.
Keep copies of the treaty terms and a record of where you found the best oral history accounts. You will use these resources again in Chapter Three.

Thinking About Your Project

How do different worldviews account for the different perspectives on how treaties should be interpreted? How has this resulted in conflict over time?

INUITS IN EARLY CANADA

In early Canadian history, Inuit land was not in demand for settlement or resources, so the Inuit way of life was left relatively undisturbed. In these early years, the federal government tended to consider Inuit people to be the same as First Nations. For example, although liquor laws that applied to First Nations reserves did not legally apply to Inuit peoples, many Canadian administrators in the Arctic applied them in northern communities.

Federal government attitudes of paternalism that characterized its relationship with First Nations applied to Inuit people as well. For example, Inuit did not traditionally have last names. Rather than accommodate this tradition, the government issued “dog tags” to Inuit people, with identification numbers inscribed on them. All Inuit were required to use these numbers in dealing with the federal government. Today, some Inuit still carry birth certificates identifying them with a last name like E3-568.

Whereas treaty agreements required legislation to enact them, the federal government had more flexibility to make and revoke policies affecting the Inuit. For example, the government established a relocation program that affected many Inuit communities for four decades, beginning in the 1930s. The government was, in part, responding to problems caused by decreasing game animals; its decisions were made without



consultation with the Inuit people affected. As a result, communities were sometimes forcibly relocated to areas where environmental conditions made life even more difficult.

The federal government felt no pressure to settle agreements with Inuit people until the 1960s, when companies began to explore the Arctic with the goal of exploiting the region’s natural resources. By then, Inuit had begun organizing themselves and were prepared to negotiate agreements that would serve their people. These agreements, in the form of land claims, are part of Canada’s modern treaty agreements. You will read more about these agreements in Chapters Three and Four.

The federal government relocated many Inuit communities in an effort to maintain control of the Arctic during the early years of the Cold War with the Union of Soviet Socialist Republics. Here a group of Inuit in what is now Pangnirtuug, Nunavut, watch the arrival of an Eastern Arctic patrol vessel in 1951.

The government's long-standing indifference to our part of the country was reflected in a remark by former prime minister Louis St. Laurent, who admitted in the early 1950s that the government “had administered those vast territories of the north in an almost continuing absence of mind.” In the light of the historical experience of other native peoples in the south, we in the North should be thankful for this lack of interest on the government's part.

Our historical experience leads us to take a slightly different approach to the current discussions on aboriginal rights. Inasmuch as our culture and economy still remain closely tied to the land we see our chief task in the aboriginal rights debate as securing a guarantee from the federal government for the continuation of our historical rights.

— Peter Ittinuar, *The Quest for Justice: Aboriginal Peoples and Aboriginal Rights*

MÉTIS PEOPLE IN EARLY CANADA

By the early nineteenth century, Métis people could claim their own culture and sense of nationhood. In 1818, William McGillivray of the North West Company wrote “[T]hey one and all look upon themselves as members of an independent tribe of natives, entitled to a property in the soil, to a flag of their own, and to protection from the British government.” Despite this strong sense of cultural identity, Métis people were not, at first, recognized by the Canadian government as a distinct group of Aboriginal people with rights of its own.

In the federal government's eyes, Métis people were either First Nations or Euro-Canadian. Métis people who lived according to First Nations traditions were considered First Nations, even if they did not belong to a First Nations community. Those who lived more in line with European traditions were considered European.

This dismissive attitude towards Métis culture meant the government did not consider it necessary to sign treaties with Métis groups as they did with First Nations. Unlike Inuit land, however, Métis land was among the first areas the Canadian government wanted to bring under its administration.

The Métis flag was first flown in 1816, the same year many historians mark as the birth of the Métis Nation with the Battle of Seven Oaks. The infinity symbol represents the coming together of two distinct cultures to produce the Métis people. Here the flag is carried as part of Back to Batoche memorials in 2001.



Red River Resistance

In 1869, the two-year-old Canadian government was uneasy about its ability to control the area that was to become western Canada. It knew the Americans had their eye on the region and feared they would move in to take it over. That year the government received the Hudson's Bay Company's agreement to sell Rupert's Land.

The Canadians showed no great concern for the rights or culture of the existing communities of the area, including the Métis settlement in the Red River Valley. Even before officially taking charge of Rupert's Land, the Canadian government sent in a survey team that showed plans to reorganize the system of land distribution at Red River.

Fearing their rights would be overridden by the new Canadian government, Métis people at the settlement demanded their right to enter Confederation on their own terms. Louis Riel emerged as the spokesperson for the Red River settlement and, in 1870, Métis people challenged Canada's right to their homeland in an event known as the Red River Resistance. Riel insisted that Red River was prepared to join Canada, but wanted guarantees of the Métis right to continue their culture.

The Manitoba Act

Métis resistance forced the Canadian government to recognize the rights of the Red River Métis. The Canadians negotiated with a delegation from the settlement and agreed upon terms for the entry of Manitoba into Confederation as a province. The

We may be a small community and a Half-breed community at that — but we are men, free and spirited men and we will not allow even the Dominion of Canada to trample on our rights.

— Louis Riel, *Strangers in Blood*

Manitoba Act, which enacted the agreement, contained most of the guarantees the Métis people under Riel had demanded in the resistance.

The Manitoba Act is significant today for several reasons. It explicitly recognized that Métis people held “Indian Title” to Manitoba. This means the government recognized that Métis people have Aboriginal rights, such as those of self-determination and self-government.

The act went on to establish an exchange. The Canadian government wished to avoid future Métis claims to territory, so it promised parcels of land to families that would give up their Aboriginal rights. The act promised to set aside lands “for the benefit of the families of the half-breed residents.” Section 32 of the act went on to guarantee that those settlers “in peaceable possession of tracts of land at the time of the transfer to Canada” would be allowed to keep their land.

In practice, however, very little land ended up in Métis people’s hands. The government was slow to recognize the title of existing communities, such as the Red River settlement. The system it established to give away land used **scrip**, a paper certificate the bearer could exchange for land. For many reasons,



At the time the government issued scrip, many Métis people had little interest in farming. Most preferred a traditional life of hunting and trapping. This made it easy for banks and developers to buy scrip for bargain prices.

including fraud, confusion, greed, and incompetence, the scrip process was a disaster for Métis people.

The few land grants that were distributed scattered families throughout Manitoba, rather than creating a Métis homeland. Many people sold their allotment — 240 acres (about 97.1 hectares) — for much-needed cash. Banks, speculators, and developers ended up with most of the land. By the early 1880s, many of Manitoba’s Métis people had left the province, hoping to build a better life farther west.

The Métis attitude towards the Canadian federal government indicated a willingness to fit within the Euro-Canadian system. However, in exchange, they wanted a guarantee of land, language, and other rights. They demanded their right as an independent people to negotiate the terms of their entry into Canada. Once they secured their land base in Manitoba, status as a province should have guaranteed them a voice in the development of their province



Louis Riel was an astute Métis leader during the 1870 resistance at Red River. He was able to use the Canadian legal system to the benefit of his people.



and Canada. When the land transfer failed, however, many Métis people fell through the cracks.

The 1991 *Report of the Royal Commission on Aboriginal Peoples* concluded that “the promises made to the Métis population of Manitoba in return for their agreement to enter Confederation were violated or ignored on a massive scale.... It is certainly no exaggeration to describe it as a national disgrace.”

Many Métis leaders argue today that this historic violation gives them a continuing claim to the Aboriginal rights recognized in the Manitoba Act.

The Dominion Lands Act

After 1870, Métis communities along the North and South Saskatchewan

Rivers in the area that is now Saskatchewan grew quickly. Many Métis people who left Manitoba in the years following the resistance settled there, adding to an already sizeable Métis population.

As the decade passed, Canadian settlers began pushing beyond Manitoba in search of land. This forced the federal government to open up more land for settlement. In 1879, the Canadian government took steps to resolve First Nations and Métis land title in parts of western Canada beyond Manitoba.

The Dominion Lands Act promised to distribute the equivalent of 160 acres (64.8 hectares) of land to the head of every Métis family, plus the equivalent of 97.1 hectares to every Métis child.

MÉTIS RIGHTS AND THE MANITOBA ACT, 1870

Many Métis people in western Canada are descendants of people from the Red River settlements. They feel a common bond culturally and in terms of their rights to land. They look to the Manitoba Act of 1870 as an official affirmation of their land rights.

EXCERPT FROM THE MANITOBA ACT, 1870

31. And whereas, it is expedient, towards the extinguishment of the Indian Title to the lands in the Province, to appropriate a portion of such ungranted lands, to the extent of one million four hundred thousand acres thereof, for the benefit of the families of the half-breed residents, it is hereby enacted, that, under regulations to be from time to time made by the Governor General in Council, the Lieutenant-Governor shall select such lots or tracts in such parts of the Province as he may deem expedient, to the extent aforesaid, and divide the same among the children of the half-breed

heads of families residing in the Province at the time of the said transfer to Canada, and the same shall be granted to the said children respectively, in such mode and on such conditions as to settlement and otherwise, as the Governor General in Council may from time to time determine.

REFLECTION

What other rights are guaranteed by the Manitoba Act? How would these rights guarantee Métis self-determination? You can find a copy of the full act online or in a book.

Scrip commissions met with Métis people as First Nations treaty commissions took place. In the government's view, it was settling all Aboriginal claims to land in the West at once — either through treaty or through scrip. Individual Métis people were sometimes offered the opportunity to "take treaty," officially becoming First Nations people in the eyes of the federal government, or "take scrip," giving up all future claims to Aboriginal rights. In some cases, First Nations people were offered the same choice.

Like the Manitoba Act, however, the Dominion Lands Act failed to produce any lasting benefit for most Métis people. Few ever received land. The Métis people who did found their close-knit families and communities scattered over a large territory, making it difficult to preserve Métis culture. Many chose to move in search of land where they could re-establish their communities.

Road Allowance People

Some Métis people found themselves displaced over and over from the lands they settled. Some homesteaded raw land for many years, only to be forced to move when the government allocated their land to other settlers or for other purposes.

Some of these displaced people lived as squatters, building makeshift homes along road allowances, the thin strips of public land set aside for road construction. As a result, they became known as the Road Allowance People. Some Métis Elders have happy memories of those times. Many communities had



vibrant social and cultural lives, with regular parties and dance nights.

Life along the road allowance, however, was also precarious. Because the people held no legal title to the land, they lived in fear of continued displacement. During the 1930s, for example, the government forced thirty road allowance families from Ste Madeleine, Manitoba, to relocate so that their community could become a public pasture.

Crooked Lake was a road allowance community in Saskatchewan that was established between 1885 and World War I. Many of the people in the community had relatives in the Qu'Appelle Valley and in North Dakota.

This photograph shows four Crooked Lake residents (left to right): Lily Perrault, Lucy Pelletier, Celina Pelletier, and John Pelletier.

LOOKING BACK

Summarize how the early Canadian government approached First Nations, Métis, and Inuit peoples and their land. How did each of these groups approach their relationship with the new Canadian government? How did events and decisions affect each group's ability to govern itself?

The Indian Act and First Nations Rights

AS YOU READ

In 1876, as treaty negotiations and the scrip commissions were occurring in the West, the Canadian Parliament passed the Indian Act. The government claimed that the main purpose of the act was to consolidate all laws relating to First Nations into a single piece of legislation. Despite this, the act was passed without any consultation with Canada's treaty partners, the First Nations. As you read this section, think about how the Indian Act differed from traditional First Nations systems of governance, and how First Nations responded to the legislation.

By 1876, the Canadian government had many laws that related to First Nations people. These included legislation inherited from the British colonial government and those the Canadians had

passed since Confederation. The **Indian Act** was passed by the federal government to bring together all such legislation into a single act.

At its core, however, the act had another vision and purpose. As noted by the superintendent general of Indian Affairs at the time, David Laird:

[The] true interests of the aborigines and of the State alike require that every effort should be made to aid the Red man in lifting himself out of his condition of tutelage and dependence, and that is clearly our wisdom and our duty, through education and every other means, to prepare him for a higher civilization by encouraging him to assume the privileges and responsibilities of full citizenship.

Reflecting Laird's point of view, the Indian Act set out a highly



David Laird was the first lieutenant-governor of the Northwest Territories who lived in the region. During his term from 1876–1881, he was involved in treaty negotiations throughout the region.

paternalistic approach to the federal government's relationship with First Nations. It is an approach that continues to **alienate** many First Nations people to this day. As presented by Laird, the purpose of the Indian Act was to encourage assimilation. **Assimilation** is the process of absorbing or being absorbed by a group or system so that all parts of the group are the same. Previous legislative acts also promoted assimilation, but the Indian Act consolidated the government's policies.

The Indian Act should have been consistent with the terms of the treaties the government had signed or was in the process of signing with First Nations. Signatories to a treaty have an obligation to ensure that their legislation complies with the treaty agreement. A treaty has the force of international law because it is an agreement between sovereign nations.

In reality, the Indian Act gave the federal government many specific powers over First Nations living on reserves. Most of these powers were not mentioned in the written treaty documents. For example, the Indian Act defined who was and was not a First Nations person — in the terms used by the act, a **Status Indian** and a **non-Status Indian**. Status meant having certain rights and privileges — generally those established by treaties. The act stated that any male person of First Nations ancestry belonging to a particular **band** (the act's term for each First Nation group), any child of such a person, or any woman who is or was married to a Status Indian was entitled to status under the act.

This definition meant that any First Nations woman who married a non-status man lost her own status under the act, as did her children. Yet a non-status woman (including a woman without any Aboriginal ancestry) who married a man with status would receive First Nations status, as would her children.

People without status had, at least in theory, the same rights as all other Canadians. The government's definition ensured that over time, fewer and fewer individuals would receive status under the act. This reflected its assimilation goals.

The government's definitions created divisions between families and communities, making united action against the policies difficult, if not impossible. In addition, the act gave the federal government control over administrative and financial matters on reserves, such as the sale and leasing of reserve land. Money received for timber or other reserve resources were mostly held in trust for the band — only 10 per cent was given to band budgets. The act established rules for **band councils**, which were to govern First Nations using European laws and systems. Traditional hunting, fishing, and trapping activities outside the reserve were subject to provincial government regulation. These activities were often permitted only within reserves, in spite of treaty provisions that explicitly promised otherwise.

THE INDIAN AGENT

The federal government's representative on reserves was called the Indian agent. This agent, who was generally non-Aboriginal and male,

The Indian Act was passed with the intention of implementing the terms of the treaties and of establishing the status of Indians. It was made the main body of law from which the legal rights of Indians flow. This was one of the first major steps taken by the government of Canada to weaken the treaties signed with our people, for now it is from the Indian Act that the legal position of the Indian primarily stems, rather than from the treaties themselves. This piece of legislation that was supposed to implement the terms of the treaties was surely written by people who understood or cared very little about protecting human rights but who were thoroughly concerned and familiar with concepts and laws characteristic of colonial powers.

— Harold Cardinal, Sucker Creek First Nation, *The Unjust Society*

held great power. Most lived on the reserve and were responsible for its administrative affairs. The agent controlled the proceedings of band council meetings, approved all bylaws passed by the band council, and managed band finances. He explained and advised band council members on their powers and responsibilities.

In addition to these administrative duties, the agent had considerable political power. He could, and often did, remove chiefs and band councillors for their unwillingness to follow the federal government's rules and regulations. He also had the power to disband any political organization on the reserve that was not approved by the federal government.

Indian agents enforced band bylaws and punished those who broke rules and regulations. For example, First Nations people were not permitted to drink liquor on or off the reserve. The Indian agent could enforce this law or punish



The Indian Act determined the educational needs and opportunities for First Nations. It permitted the government to establish a system of residential schools that removed children from their families and communities. Traditional languages and customs were forbidden in these schools. What do you notice in the photograph that would assist the government's assimilation goals? This photo is from 1900 at the St. Joseph Residential School, which was located a few kilometres south of Cluny, Alberta.

those who broke it. At one point, the agent was even responsible for controlling the movement of First Nations people on and off the reserve. First Nations individuals were not allowed to leave the reserve without the agent's permission, a restriction that lasted until the mid-1950s.

The Indian agent also inspected reserve schools and health conditions. In personal matters, he presided over marriages, executed wills, and supervised estates. The agent even intervened in personal disputes among band members.

In short, the Indian Act gave one individual control over a vast array of political, economic, social, and cultural functions. Traditionally, such functions had been managed

How did the Indian Act affect First Nations individual, economic, social, and educational rights? List at least one example for each. How did the act contradict treaty promises?

Indigenous Knowledge

communally through customs and traditions passed down through oral tradition. This substitution of the rule of one for the rule of community would have been bad enough. To make matters worse, that one person was usually from outside the community and rarely had much insight into the specific customs of the First Nation he administered.

FIRST NATIONS GOVERNMENT UNDER THE INDIAN ACT (1876–1951)

Like the British colonial government before them, the Canadian federal government believed that traditional First Nations governments were inferior because they did not resemble their own. Traditional systems of leadership and governance were often subtle and indirect. Non-Aboriginal people, familiar with more structured institutions, often believed that First Nations had no government. Through the Indian Act, the federal government removed traditional First Nations government systems and replaced them with European systems.

We find the Indian Act of 1876 is not calculated to promote our Welfare if we accept it because it empowers the Superintendent General of Indian Affairs to manage, govern, and control our lands, moneys, and properties, without first obtaining the consent of the chiefs of the Six Nations...

— The Council of the Six Nations at the Grande River reservation, 1879

Band Councils

Under the Indian Act's terms, each reserve was to have a band council. The act allowed one chief for every thirty band members. For larger bands, it stipulated one chief and two councillors for every 200 people. No band could have more than six chiefs and twelve councillors.

The membership of each band defined by the Indian Act did not necessarily coincide with traditional First Nations political, economic, and social groups. Traditional groups were more flexible, and were based on factors such as kinship, alliances, clans, societies, and available resources.

The federal government had the right to override band councils on almost any issue, including bylaws. Councils were expected to implement decisions made by the federal government. Band councils did not have the power to levy taxes on reserve residents, so bands had few options for fundraising and pursuing projects on their own initiative. They received money from the federal government, but how the money was spent was decided by federal policy and the Indian agent.

The Indian Act also stripped Elders and women of any formal role in the decision-making and governing process. However, on many reserves, their influence continued indirectly. For example, many band councillors still consulted with Elders and other leaders from the community before voting on decisions. In other cases, the only individuals who ran for election were those suggested by Elders.

Elections

The Indian Act introduced a European-style election process on reserves. The government believed that elected governments would encourage First Nations to give up their traditional political systems. Most traditional systems chose leaders through a combination of hereditary status and community assessment of an individual's skills. The federal government envisioned reserve governments one day operating as municipal governments do, with powers delegated from the federal or provincial levels of government.

A DIFFICULT TASK

Chiefs and councils during the early years of the Indian Act had to see their people through some of the most difficult times they had ever experienced. For example, Papaschase, like several other Cree leaders and their people, was reluctant to settle on a reserve when Treaty Six was signed. Papaschase and his followers hunted buffalo in Montana as long as they could to maintain their independence.

Finally, faced with starvation due to decline of the herds and the effects of disease such as smallpox, Papaschase signed an adhesion to Treaty Six in 1877, taking a reserve south of Edmonton. (Today this land would be in the popular shopping and entertainment district known as Old Strathcona or Whyte Avenue.) The new reserve immediately faced an outcry from a small group of vocal Edmonton residents, who demanded that it be relocated. With their reserve status in limbo, the band was denied its treaty rights for many years. It was finally forced to give up rights to the reserve in 1888. Some people joined neighbouring First Nations and others accepted scrip, giving up their treaty rights.

REFLECTION

Research some of the problems faced by a local chief and council during the difficult transition years under the Indian Act.



According to the Indian Act, chiefs and councillors were to be elected by males twenty-one years of age and older. Women could not vote for or serve on the band council. Voting was conducted in public, usually by a show of hands. Elected candidates had to receive a majority of votes and had three-year terms. The time and place of the elections were decided by the Superintendent General of Indian Affairs or by an Indian agent.

The designation of “chief” was formalized [after the Indian Act] and the twelve councillors we call *Maohkotooksskaiksi* was established after *kinniinaysini* was introduced by the government.

Voting as we have it today was another new practice established to choose our leaders. Prior to this, the process was not so formal. A leader was simply chosen by how he lived his life. There was evidence that a person selected as leader lived an orderly life and that he was a compassionate person.

There was no such thing as “If you vote for me I will do this.” A person did not need to boast about what he was going to do if he was selected. The process was very different.

— Adam Delaney, Kainai First Nation, *Kipaitapiiwahsinnooni* (*Alcohol and Drug Abuse Education Program*)

Few bands adopted this system in the first years of the Indian Act. Most were reluctant because the process conflicted with traditional practices. For bands accustomed to consensus decision making, gender equality, and flexible leadership, the competitive and male-dominated European system went against many cultural traditions and beliefs.

In addition, the leadership style needed to succeed in the European system went against tradition. The European tradition requires an assertive leader who actively solicits support from others. In contrast, traditional Aboriginal leaders were often unassuming and modest. They were given leadership roles by the community and did not purposely seek them out. In a traditional worldview, seeking a leadership role by presenting others with one’s skills and accomplishments would be seen as boastful and inappropriate. Many people were reluctant to participate in the European system because it placed them in an awkward position in the community.

BAND COUNCIL POWERS UNDER THE INDIAN ACT

- providing basic public health services
- maintaining order at public assemblies
- prohibiting alcohol consumption
- keeping cattle fenced in
- maintaining reserve roads, fences, schools, and public buildings
- operating dog pounds
- registering land use on the reserve

REFLECTION

Given this list of powers, what might be one reason the Indian Act led to a decrease in First Nations participation in local government?

Resistance

One intention of the Indian Act — to gradually train First Nations in the European ideals of local government — largely failed. Municipal-style governments were never implemented, partly because the government never relinquished enough power to make them happen.

In addition, the government failed to understand the great diversity between First Nations cultures and the reasons for their ongoing resistance to the Indian Act. Such resistance took many forms. For example, First Nations consistently resisted the federal government's authority overturn their chosen leaders. Many First Nations elected

individuals who would have likely been their leaders anyway. In some cases, the Superintendent General of Indian Affairs overturned these elections, preferring leaders who would fall in line with the federal government's priorities. If a leader was overturned, the superintendent would call for another election. First Nations often responded by electing the same person again.

The federal government removed Piapot as chief of his Cree band in 1899 because he permitted an illegal ceremony to take place.

Disregarding the government decision, his band continued to regard him as chief until his death in 1918. Chief Piapot is shown here in the 1880s wearing a Hudson's Bay Company blanket coat.



In the late 1880s, the federal government arrested Chief Piapot for performing a Sundance and other related rituals. The exchange that follows between Chief Piapot and A. E. Forget, the Assistant Indian Commissioner, demonstrates the issue at stake for many First Nations people: their spiritual freedom.

Forget: Ask him, Peter, [Hourie, the translator] why, when he knew that it was contrary to the policy of the department, he allowed a sun dance to be held.

Piapot: (rising to his feet, dropping the blanket from his shoulders and holding it on his outstretched arm in the gesture of the great Indian orator.) When the commissioner gets up in the morning he has many varieties of food placed before him, and if he doesn't like what is in one dish, he has a number of others from which to choose. He does not know what it is to have an empty belly. My people, however, are often hungry and when they cannot get food, they pray to God to give it, and their way of praying is to make a sun dance.

Forget: He has an argument there. Tell him, Peter, that we are two big chiefs here together. I ask him as one big chief speaking to another, not to make any more sun dances.

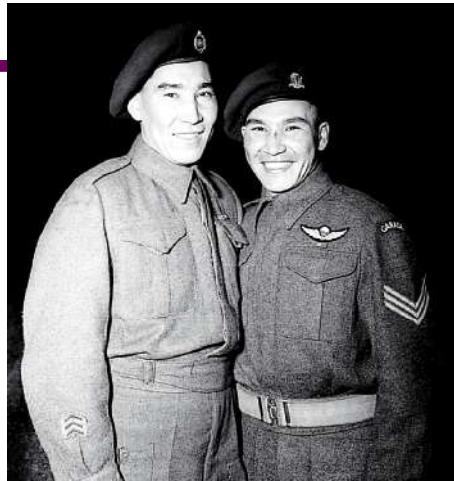
Piapot: Very well, I will agree not to pray to my god in my way, if you will promise not to pray to your god...in your way.

Forget: By jove, he has me there. The old rascal should have been a lawyer.

— as told by W. P. Stewart in *My Name is Piapot*

How is Commissioner Forget's paternalistic attitude toward Piapot evident in this exchange? How does Chief Piapot demonstrate dignity and leadership?

First Nations soldiers made many contributions to the Canadian war effort during World War II. The Canadian military's most decorated First Nations soldier, Sgt. Thomas (Tommy) Prince, poses here with his brother in front of Buckingham Palace in 1945. Prince, on the right, was in London to receive two medals for gallantry. The heroism of soldiers such as Tommy Prince made many Canadian politicians more empathetic to First Nations' rights claims.



Other resistance concerned revisions to the Indian Act in 1884 that banned certain aspects of ceremonial gatherings, such as the Sundance and Potlatch. Many First Nations continued to practise their traditions in secret, risking jail sentences if caught.

Coercion

As attempts to assimilate First Nations culturally and politically failed, the Canadian government passed progressively more coercive legislation in response. Ironically, First Nations' resistance to assimilation was seen by the federal government as evidence that they were incapable of governing themselves.

Various amendments to the Indian Act in the 1920s and 1930s further eroded First Nations rights. The federal government took the power to **enfranchise** First Nations people without their consent. This meant that if the government believed a First Nations person was able to fit into non-Aboriginal society, the government could unilaterally remove an individual's status under the Indian Act. First Nations people who wanted to vote, serve in the army, consume alcohol, become a member of the clergy, or get a university degree had to be enfranchised first.

By this time, most band councils were powerless supervisory bodies for the federal government. Many were not passing bylaws or were even aware of their authority to pass bylaws. By the 1940s, only 194 of the 594 bands in the country had adopted the European election system. The remaining 400 continued to choose their leaders according to traditional customs. The federal government did not seem interested in helping band councils become effective governments on reserves and did little to help them work within the system.

In an attempt to force First Nations to comply with the Indian Act, the federal government refused to honour treaty promises, such as annuity payments and provision of services, to bands that did not follow the federal government's rules.

REVISIONS TO THE INDIAN ACT (1951)

In the 1940s, after decades of government control and neglect, First Nations leaders began to speak out openly about their peoples' rights. Pressure to revise the Indian Act intensified after the end of World War II. In 1946, a joint committee of the Senate and the House of Commons was created to study the Indian Act. Two years later, after many hearings and witnesses, the committee called for substantial changes.

In the 1951 revisions to the Indian Act, voting by secret ballot replaced open voting. Two years later, the number of bands electing their leaders rose to 263. For the first time, women were given the right to vote in band council elections. They

were also able to run for the office of chief or councillor. In many First Nations, women began resuming traditional political roles. Bans on ceremonies and customs were lifted, including restrictions on political organizations and Elders councils.

The revisions expanded band council powers, although the federal government still retained authority to intervene in their decisions. The Indian agent no longer controlled council meetings and band administration. Councils were given the authority to enforce bylaws and manage reserve lands and band funds. They were also given the authority to spend their funds on matters of interest to the band. Other revisions removed laws that made it illegal for First Nations to sue the federal government. These latter two changes meant that some bands spent money on lawsuits to pursue land claims in the courts.

The revised act also allowed for the application of provincial laws to reserves. First Nations people were to be charged under provincial laws for crimes they committed off-reserve, such as driving offences or hunting and fishing violations. Provincial social service agencies were also given the power to apprehend children from reserves in some situations.

The 1951 amendment ended the practice of involuntary enfranchisement. However, the revisions also created the **Indian register**, which was to be a complete listing of all First Nations people with status under the Indian Act. Bands submitted lists of members to the federal government but, for various reasons, many people were left off

the lists. This meant that many people lost and were unable to later gain status. To this day, many First Nations people across Canada are denied rights and services because of mistakes and oversights that occurred at this time.

Indigenous Knowledge

With your teacher's assistance, use community protocol to invite an Elder into your classroom to describe what life was like on reserves before and after the 1951 Indian Act revisions.



In 1960, First Nations people were given the right to vote in federal elections. These members of the Rice Lake Band, near Peterborough, Ontario, were the first to vote in a federal by-election.

LOOKING BACK

The revised Indian Act of 1951 did not immediately change the lives of First Nations people for the better. However, it did mark the beginning of a gradual resurgence of political activity on reserves across the country. As First Nations leaders gained confidence and experience in band management and Canadian political systems, they began to demand greater control over the administration and governance of their reserves. In the next section, you will look at how band councils function today.

Band Councils since 1969

AS YOU READ

Under the Indian Act, First Nations people's ability to determine their own futures almost disappeared. The federal government controlled First Nations political, economic, cultural, educational, and even spiritual rights. The aftermath of World War II, however, sparked a worldwide trend of restoring rights to colonized indigenous peoples. In Canada, this movement was first seen in the 1951 Indian Act revisions.

Pages 66–73 discuss how today's band councils operate. As you read, note how these governments do and do not offer effective self-determination and self-government.

Why do many First Nations leaders argue that the Indian Act can never be the vehicle for Aboriginal self-government?

IN 1969, THE FEDERAL GOVERNMENT UNDER PRIME MINISTER PIERRE TRUDEAU PROPOSED MAJOR CHANGES TO THE INDIAN ACT. THE GOVERNMENT SAW THAT THE INDIAN ACT WAS NOT WORKING, BUT ITS SOLUTION WAS TO

- assimilate First Nations once and for all.

Jean Chretien, then the Minister of Indian Affairs, called for the end of the Indian Act and of the special status of First Nations people. The

Aboriginal leaders from across the country, such as Harold Cardinal (seen standing in the photograph) spoke up against the 1969 White Paper. Opposition to the White Paper prompted many Aboriginal people to strengthen their political organizations. Aboriginal organizations today play a strong role in all federal government relations with Aboriginal peoples.



Statement of the Government of Canada on Indian Policy, 1969 — most commonly known as the White Paper — proposed to transfer administration of all services for First Nations to the provinces and reserve governments. First Nations people would no longer have a special status in Canadian Confederation, as set out by treaties. First Nations people would have the same rights and freedoms as all other Canadian citizens.

First Nations leaders argued that that federal government could not unilaterally disregard treaty relationships. First Nations people were *not* the same as other Canadians. They, along with other Aboriginal peoples, are indigenous to Canada and, as such, have special rights.

Their protests were so strong that the government withdrew the White Paper in 1973. This withdrawal marked a significant shift in the federal government's policies and attitudes towards First Nations, ending its formal policies of assimilation.

Since the 1970s, many changes have taken place in the relationship between First Nations and the federal government. The role of Indian agents has been eliminated. In 1973, the government ended the residential school system on advice from the National Indian Brotherhood (now the Assembly of First Nations), which called for First Nations control over their own education. The government then established programs to help First Nations develop modern educational systems organized around their traditional values and cultures.

In 1988, further changes to the Indian Act gave band councils authority to levy taxes on First Nations and non-First Nations reserve residents, to lease reserve land to non-First Nations people, and to manage money received from mineral rights and resource royalties.

DEVOLUTION

Since the 1970s, the federal government has given more administrative control to band councils in a policy of **devolution**, or decentralization, of First Nations programs and services. Devolution is a shift away from policies of assimilation and integration, and towards policies of cultural self-sufficiency and local government.

For decades, almost every aspect of reserve life was controlled by the federal government. Devolution allows more decision making at the community level. Band councils now have authority over areas such as education, public health, reserve roads, and band administration. In many ways, band councils act as self-governing bodies.

However, in the eyes of many First Nations leaders, the current powers of band councils fall far short of self-government. Some call the current system one of self-administration, where bands simply implement programs. This is quite different from policy-making — the power to set direction and decide what programs will be offered. The federal government still has much control over policy-making, although devolution has increased First Nations involvement in discussions about programs. Significantly, the

The Indian Act was revised in 1985 to recognize First Nations peoples' right to never lose their status. Bill C-31 ended many years of discrimination against women in the Indian Act. As a result, many First Nations people had their status restored.

Research the events leading to the passage of Bill C-31 and its significance for First Nations. Find out why some people argue today that band membership rules discriminate against them. Why do many bands face difficult choices in deciding what to do about people reinstated by Bill C-31? What are different perspectives on the band membership issue? Write a newspaper article that discusses this issue.



Jenny Margetts, left, of Edmonton, Alberta, and Monica Turner of Geraldton, Ontario, speak to reporters in 1973. Margetts fought a lifelong battle against gender discrimination in First Nations band membership codes.

federal government cannot introduce new programs without first consulting with local band governments.

Many bands have pushed for changes to the Indian Act, in order to gain more control over their lands and money. In the past ten years, the federal government has concluded funding arrangements with many band governments to support greater autonomy for spending decisions. Some band councils negotiate directly with provincial governments for services such as education, health care, and social services.

The pace of devolution increased significantly during the 1990s. In 1994, the federal government reached an agreement with Manitoba First Nations to transfer control of all programs and services in the province to local reserve governments. In



2001, it signed similar agreements with the Yukon and Northwest Territories First Nations to give control of programs and services to their communities.

The dismantling of Indian and Northern Affairs Canada in Manitoba was initially expected to be completed by the end of 1999. However, problems in funding arrangements and in establishing program management on reserves delayed completion of the devolution agreement. Not every reserve had the money and expertise to operate the programs and services. This issue of funding and training is one that many First Nations argue must be addressed before their communities can effectively take control of their services.

In 1969, Jean Chretien gave a speech that highlights problems with band governments under the Indian Act. First Nations leaders would likely agree with him, yet they found the government's solution — the White Paper — completely offensive. Why did attitudes held by the federal government and First Nations differ significantly?

First the band council decides that they want to do something constructive and reasonable with a piece of their land, as many of them do. They pass a council resolution which they hand over to the Department's agency office. It is sent from there to the regional office. The regional people, anticipating that their superiors in Ottawa will ask questions, ask questions themselves. Back it goes to the agency and back to the band. The band gets another meeting organized. They answer the questions and put the proposal back into the mill. It goes to the agency, to the region, and it finally reaches the head office where the lawyers get at it. They ask more questions that the region had not thought of. Back it goes. Eventually all the questions are answered and it comes to me.

— Jean Chretien, “Indian Policy...Where Does it Stand?”
Speech at Empire Club, Toronto, Oct 16, 1969

BAND COUNCILS TODAY

As of 2003, the Assembly of First Nations counted over 630 band councils in Canada.

These councils have more autonomy from the federal government than under the Indian Act of 1876, although band councils on reserves with strong financial and human resources have significantly more autonomy than those without these resources.

Band Council Resolutions

Band councils pass bylaws called Band Council Resolutions (BCRs). BCRs can be passed if a quorum of council members are present at a meeting and a resolution receives a majority vote. BCRs have the force of law, although they must receive federal approval.

Band councils must have community approval for some types of resolutions. These include decisions to surrender reserve land, changes to membership codes for the band, and revisions to alcohol bylaws. If the band council wishes to pass one of these laws, it must hold a meeting at which members of the community can hear about the proposal and then vote in a referendum.

Many bands argue that the BCR system does not meet their needs because it conflicts with their traditional decision-making methods. Others say they don't always have the resources to enforce their BCRs. Although it rarely happens today, the federal minister or provincial legislation can override any band council decision, making BCRs, in the eyes of many, a long way from self-government.

PROFILE

JOYCE METCHEWAIS

Cold Lake First Nations

The late Charlie Blackman, a Cold Lake First Nations Elder, used to shake his finger at fellow band-member Joyce Metchewais, joking that he was going to give her trouble if she didn't run for chief.

"I wish he could see that I finally did run for chief," says Metchewais, who's been leading her people towards self-sufficiency and strong self-identity for more than four years. Under her leadership, unemployment has been reduced from 80 to 25 per cent and new cultural programs such as the Daghida (We Are Alive) Dene Syliné language project have been developed.

"I surround myself with good people," Metchewais answers when pressed for the secret to her successful leadership. Among her closest advisors is Wilma Jackknife, an in-house lawyer who assists with resource company negotiations that create jobs for band members. Experienced band councillors also helped Metchewais with leadership continuity since she was first elected in 1999.

Ironically, Metchewais anticipated a comfortable retirement after raising her four children. "My husband and I made a good living as owners of a

school bus company, and I enjoyed the winters we spent in Arizona," says the sixty-two-year-old former nurse. "But the Elders asked me to run for chief and with my husband's support, I let my name stand. Now people are already asking if I'll be running again."

Metchewais's brand of leadership can be stated in a word: integrity. She is a team player who avoids the abuse of power that some leaders fall into. "I have always told council that we have to stick together. We make decisions as a group. If the group votes something down, the decision stands," she insists. Metchewais has demonstrated, as have natural leaders of the past, an inclination for hard work and getting things done, not to mention healthy respect for her co-leaders, her people, and herself.

"My mother, Nora Matchatis, has been my role model. She showed me, by example, to be assertive, honest, hardworking, and diligent in everything I did. She continues to be my advisor and greatest supporter."



Joyce Metchewais

REFLECTION

How does Joyce Metchewais's story show examples of traditional leadership from both herself and others?



The Siksika First Nation has taken steps to make its economic development as efficient as possible. They have legally separated control of a major economic development arm — Siksika Resources Development Ltd., from its elected officials. The Siksika Nation's band council members in 2005: (Back left to right) Hector Winnipeg Jr., Kendall Panther Bone, Vincent Yellow Old Woman, Clarence (Agar) Wolfleg, Eldon Weasel Child, Leroy Good Eagle, and Emery Medicine Shield. (Front left to right) Jason Doore, Richard Right Hand, Janice Doore, Chief Strater Crowfoot, Scotty Many Guns, and Stewart Breaker.

Elections

As of 2002, almost all bands in Canada elect their leaders. Bands that follow guidelines in the Indian Act hold elections by secret ballot every two years. Many bands choose instead to have custom elections, in which the band can set and administer the rules. For example, all Treaty Seven First Nations have custom elections. The Kainai First Nation elects a new council every four years, as does the Piikani First Nation. In most cases, First Nations that choose custom elections follow basically the same rules as the Indian Act. However, a custom election procedure carries a symbolic message that the people have a right to choose their own system of government.

Some bands have incorporated traditions of choosing leaders by consensus and kinship ties into their custom election. For example, the Swan River First Nation in Alberta bases its election on its traditional

clan system. The First Nation has six family name clans: Chalifoux, Courtoreille, Davis, Giroux, Sowan, and Twin. Not all members of a clan are in the same family. A person can join any clan, as long as the other clan members approve.

In the band's custom election, members of each clan elect a member for the band council. The members of all clans then elect a chief from among the band council members.

In some First Nations, an incorporation of traditional methods of choosing leaders has led to greater public participation in reserve politics. On other reserves, the change to traditional ways has created tension between groups who support traditional methods and those who prefer the non-Aboriginal procedures. Several bands use a combination of traditional and non-Aboriginal procedures.

A significant change came in 2000, when the right to vote for band council members was extended to band members living off the reserve. This change may help keep urban First Nations people connected to their home communities. You will learn more about this issue in Chapter Six.

Political Institutions

After 1951, traditional customs re-emerged on most reserves. Ceremonial gatherings play a central role in many communities, reinforcing political, social, cultural, and spiritual ties. The potlatch ceremony is again a significant event among Pacific Northwest First Nations in strengthening community ties. The ceremonial dances of Plains First

Nations are also important occasions for celebration, community solidarity, and spiritual renewal. For many people from the Six Nations Confederacy, restoring traditional councils and decision-making procedures has strengthened their sense of identity.

Elders have also regained an important leadership role in many band governments. On the Plains, band governments have established Elders councils to provide advice and guidance in decision making. For example, the Kainai Council of Elders provides the band council with historical information, formulates referendum questions, and is available for consultation. The Elders do not have voting power, but they are often influential in assisting with band council policy-making.

TRIBAL COUNCILS

Many band governments have established tribal councils to pool resources for programs, services, and policy-making. Tribal councils, unlike band councils, are not regulated under the Indian Act, although they receive funding from the federal government. They are registered societies under provincial law.

Tribal councils allow small bands, which may have few resources, to benefit from the resources of larger, wealthier bands and from a tribal council staff. Tribal councils also develop initiatives for areas not governed by the Indian Act such as justice, public safety, and law enforcement.

Most significantly, tribal councils also reinforce traditional political, economic, and social systems of mutual support and interdependence.



The Tribal Chiefs Institute of Treaty Six (TCI) staff pose for a photograph with David Suzuki, who was in Edmonton to attend the eleventh annual Knowing Our Spirits conference in 2004. (Left to right): Toni Young Chief, Alain Joly, David Suzuki, Bernie and Gloria Makokis. The conference provides a forum for new ideas and an exchange of information with various Aboriginal groups. David Suzuki is an honorary chief with TCI. He spoke at the conference on the importance of traditional Aboriginal knowledge for the world's environmental concerns.



There are currently eight tribal councils in Alberta. These include:

Athabasca Tribal Council, Fort McMurray

Athabasca Chipewyan, Chipewyan Prairie, Fort McKay, Fort McMurray #468, Mikisew Cree

Kee Tas Kee Now Tribal Council, Atikameg Loon River Cree, Whitefish Lake, Woodland Cree

Lesser Slave Lake Indian Regional Council, Slave Lake Driftpile, Kapawe'no, Sawridge, Sucker Creek, Swan River

North Peace Tribal Council, High Level Beaver, Dene Tha', Little Red River, Lubicon Lake, Tallcree

Treaty Seven Management Corporation, Tsuu T'ina Reserve Bearspaw, Chiniki, Kainai, Piikani, Siksika, Tsuu T'ina, Wesley

Tribal Chiefs Ventures Inc., Edmonton Beaver Lake Cree, Cold Lake, Frog Lake, Heart Lake, Kehewin Cree

Western Cree Tribal Council, Valleyview Duncan's, Horse Lake, Sturgeon Lake

Yellowhead Tribal Development Foundation, Enoch Alexander, Alexis, Enoch Cree, O'Chiese, Sunchild

Research one tribal council program or service and evaluate its importance to local communities. How does it help achieve self-determination goals?

DEBATING BILL C-7

Despite many positive changes, many First Nations feel that the federal government's approach to self-government has not changed significantly since 1969, when it proposed the White Paper.



If possible, invite someone involved with the Assembly of First Nations to participate in your talking circle about Bill C-7.

In 2002, Robert Nault, the federal government minister in charge of Indian and Northern Affairs, announced the First Nations Governance Act (Bill C-7) in the House of Commons. The proposed act was shelved in 2003, but provides a useful issue with which to examine how the perspectives of the federal government and First Nations can be at odds.

Pages 72–73 include notes from a speech Nault delivered on April 18, 2002, at a conference called Beyond the Indian Act. Read his notes and then research why the Assembly of First Nations and other leaders were opposed to Nault's proposal.

After you familiarize yourself with the issues at stake, hold a talking circle with your class to discuss ideas about the government's approach to self-government issues and the approach of First Nations. Why did the First Nations Governance Act generate so much controversy?

Excerpt from the Speaking Notes for the Honourable Robert D. Nault, P.C., M.P.

... The fact is that this Act [the Indian Act] never contemplated the day when First Nations would stand as full partners in our society, when they would take their rightful place and play their full part in the life of this country. The Act itself is clear on this.

For all practical purposes, the Chief and Council were powerless, with all of the authority left in the hands of the Minister of Indian Affairs. The Act makes 120 references to how "the Minister may" do this or that, but only three references to how "the band may." And in those areas where bands could act, they were responsible to the federal government, not to their membership directly.

The Indian Act took away traditional systems of Aboriginal government and replaced them with one alien to their culture. And because it was premised on the assumption that First Nations would gradually

be absorbed into the larger Canadian society, the Act was silent on many key areas.

These include how band councils would deal with the businesses of their communities and how First Nations would exercise control over their band leadership: in other words, over issues of governance.

This absence of any reference to governance, or to the institutions of government, is not just of theoretical or intellectual interest. It is not just some historical omission; it is a modern-day roadblock to economic development, to self-reliance, and to self-government. This isn't just my opinion or the opinion of the Government of Canada — it is the opinion of First Nations themselves.

In a recent EKOS poll of First Nations, 71 per cent of respondents agreed that providing the tools for good governance will improve conditions for economic and

CAN THE
INDIAN ACT FORM
THE BASIS OF
FIRST NATIONS
SELF-GOVERNMENT?

social development. And 68 per cent agreed that conditions for economic and social development will be improved by strengthening the accountability of First Nations leaders.

This is only common sense. Businesses will not invest on reserves, for example, unless they believe that there is an effective administrative regime. And there is increasing evidence — both academic and empirical — that suggests that the ability to pursue economic development, to create healthy communities with adequate infrastructure, and to develop the skills and potential of people, all depend on good governance.

First Nations people understand this connection between effective governance and economic progress. They understand that leaving the Indian Act as it is means leaving First Nations without the tools they need to make the progress they want. More, they want a direct say in how the Indian Act is changed. Fully 67 per cent said ordinary First Nations' members should have a voice.

I couldn't agree more. That's why we went out into the communities to hear directly from the people, holding more than 450 consultation sessions, with more than 200 First Nations communities. That's why we established a 1-800 number, created a Web site, and prepared a questionnaire soliciting input. All told, more than 10 000 First Nations people took advantage of these opportunities and expressed their views....

To get as much input as possible, a joint ministerial advisory committee was established. It was made up of representatives from the Congress of Aboriginal People, the National Aboriginal Women's Association, and leading lights from the communities themselves. And a

REFLECTION

Write notes from your talking circle discussion. Use them and your other research from this chapter to write an essay for or against the proposals suggested by the federal government in Bill C-7.

seat was held for representatives from the AFN had they chosen to participate....

Now some have advised us to simply "set aside" the Indian Act and focus exclusively on implementing treaty rights....

And let's take a closer look at just what "setting aside" the Indian Act would mean in real terms. It would mean perpetuating the vacuum of governing structures in the Act. In other words, we would continue with a system under which there is no requirement for a band council to have an annual budget; no requirement for conflict-of-interest guidelines; no provision making First Nations legal entities and, therefore, able to borrow money on better terms. It would mean leaving in place a system in which there are no rules protecting band public servants, who can be hired and fired at the whim of each incoming council. It would mean perpetuating a system with no redress for anyone who disagrees with a band council's decision, other than by going to court. It would mean continuing to deny First Nations the tools they themselves have said are necessary to make real progress.

LOOKING BACK

How has the administration and governance of reserves changed from past to present? Research the history of a local First Nation government and prepare a report that includes changes in the

- influence of Elders
- process of selecting leaders
- powers of the leadership
- role of the federal government
- role of women
- role of the provincial government

Evaluate the effectiveness of the current system of government. What issues face the community today? Is the current governance system able to resolve the issues effectively? What are differences between elected and traditional government systems? How do the values in each system compare?

Chapter Two Review

Check Your Understanding

1. Create a table of the six geographic environments in Canada. In point form, list one or more significant characteristics of each region and how these characteristics influenced the traditional ways of life of the Aboriginal people who lived there.
2. How do the names of some First Nations reflect their relationship to the land? Provide an example.
3. From memory, write a list of as many points about traditional First Nations, Métis, and Inuit governance as you can. Re-read pages 38–49 and then immediately try the exercise again.
4. Explain how the buffalo hunt is related to traditional forms of Métis governance.

Wilf Tootoosis was born on the Poundmaker Reserve in Saskatchewan in 1930. In the following excerpt, from an interview with him for *In the Words of Elders: Aboriginal Cultures in Transition*, he offers his ideas of traditional Plains Cree governance and changes under the Indian Act.

...Then the Indian Act came in and they had to get a permit to leave the reserve. That was to discourage the assembly of our people. So they don't get into contact with other Chiefs and people. They [the government] were afraid of the Indians. They knew they might start shooting again. The guns were all removed from Poundmaker, except one, one Indian went out into the bush and hid a gun, and everybody used that in the winter. They took all the horses away. So that's the Indians' self-government. The other one they have today is the Indian Act. Indian Act, self-government, is what they're talking about now, where the Chiefs are the bosses not the community, that's happening now, on Poundmaker. Prior to that, the whole community had a say, why they don't like it, others talked about why they like it, why they won't accept it, and then had a vote, and it was rejected or approved. But what's happening now is the Chiefs have all the say of the Indian Act, not the band, not the community, no more, just Chiefs.

5. How does the oral tradition support traditional forms of Aboriginal governance? Give at least one specific example.
6. How do the numbered treaties make provisions for self-government? Explain, using an example, why First Nations and the federal government might answer this question differently.
7. Why didn't Métis and Inuit peoples sign treaties with Canada? How has this affected their relationship with the federal government? Give a specific example for each group.
8. Explain the Manitoba Act's significance in terms of Métis rights.
9. How did the scrip process affect Métis people's rights?
10. Who are the Road Allowance People?
11. What is the Indian Act and why did the federal government enact it?
12. How did the Indian Act affect First Nations' political, economic, social, individual, and educational rights? Give one example for each.
13. In what ways are treaties fundamentally different from the Indian Act?
14. How did the Indian Act affect First Nations' ability to govern themselves?
15. Why and how was the Indian Act revised in 1951?
16. What is a BCR?
17. What is devolution?

Reading and Writing

18. Re-write at least five clauses of the Manitoba Act in plain language. Each clause should be significant in terms of Métis rights. This means you will need to read the original act and then re-write it in language that is easier to read and understand. Check your work with a partner to see if you have been successful.



Sharing resources, such as land and the results of a hunt, were important parts of traditional land management techniques. Just as hunters would work together to kill an animal such as a moose, their families would share in the meat and work together, as in the photograph on the right, to stretch the hide. Contrast this tradition of sharing with the tradition shown in the photograph of the fence and sign. How would you expect these different values to affect a treaty-making process?

19. Research and write a report about the scrip process and its effects on Métis people in Manitoba or Saskatchewan.

Speaking and Listening

20. Find an example of a story from a First Nations or Inuit oral tradition from your area that teaches an aspect of land management or land governance. You might consult books or Elders from a local community. Learn the story well enough that you can re-tell it to the class. Following your story, lead a discussion about how the story conveys principles of land management. You might want to have a few questions prepared to stimulate the class discussion or prompt students to better understand the story.

21. Interview someone affected by Bill C-31. Record your interview on tape or video, and prepare a presentation for your class using all or part of your recording. In your presentation, discuss how Bill C-31 solved some problems, but created others. Be as impartial as you can in presenting the issues at stake.

Viewing and Representing

22. Read the caption and compare the photographs shown on this page in terms of values and ideas about land governance.

23. First Nations and Inuit place names show how groups historically used and occupied particular territories. Create a map of a local region that shows significant landmarks and names of specific places in First Nations languages. You may need to consult with community members familiar with First Nations languages.

Going Further

24. Read the statement by Wilf Tootoosis on page 74. What seems to be his main concern with the system of band council government on his reserve? Why might reserve communities be divided in how they see the best role and process of governance? How has colonial history created some of these divisions? What else might cause people to have different ideas? Discuss these ideas in small groups or as a class.

LOOKING BACK

Re-read Peter O'Chiese's statement from pages 36–37 and look carefully at Jane Ash Poitras's work, *Bonne Fête Canada*, on page 37. Using this material and others as inspiration, create a work of art that expresses the state of Aboriginal peoples' rights in the early years of Canadian colonization.