

HANDOUT 3.4: HISTORY OF INDIGENOUS SELF-GOVERNMENT

The following provides an overview of the history of Indigenous self-government in Canada.

The First Treaties (1500s-1700s)

Before Europeans arrived in North America, Indigenous peoples organized themselves as independent nations. Each had its own way of life, political organization, culture, economy, laws and control over the land and resources within its territories. When the Europeans arrived, most contacts between Indigenous peoples and Europeans were based on trade and were usually beneficial for both groups. Indigenous peoples continued to govern themselves and kept the rights to the lands and resources they had been living on for thousands of years. As Europeans began to settle further into North America, more agreements were made and treaties continued to recognize and respect the independence of each nation.



Potlatch in Alert Bay, British Columbia (c. 1897).



Tsimshian village in Metlakatla, British Columbia (c. 1890).

British Colonization (1763)

After the British defeated the French in the Seven Years War, they announced the *Royal Proclamation of 1763*, a law that set out the terms and rules for transferring Indigenous land to the British. This also meant that the people on those lands would be official British subjects, providing the British with more power and legal authority across North America. Not all Indigenous nations signed treaties, but those that did were promised some legal rights, the ability to live on reserved territories and guaranteed traditional rights, such as hunting and fishing. These deals were better for the British. Many of these treaties were broken and past agreements were left unfulfilled by future Canadian governments. In all cases, the balance of power in these relationships systematically favoured the British.

Assimilation and the *Indian Act* (1867-1876)

The *British North America Act of 1867* (known today as the *Constitution Act, 1867*) gave control over Indigenous peoples and their lands to the government of Canada and Indigenous forms of government with elected chiefs and band councils had limited powers. The *Indian Act* of 1876 also introduced the residential school system, which encouraged assimilation (forced integration) and required all Indigenous children to attend. Thousands of students were taken by force from their families and often subjected to abuse. By the time the last of these treaties was signed in 1923, the majority of lands and resources that had once belonged to Indigenous peoples were then controlled by the Canadian government. First Nations were put on small parcels of land, called reserves, could not own businesses, houses, or territories as they were, and still are today, considered subjects of the Crown.

Negotiating Citizenship (1950s-1960s)

Indigenous peoples fought for Canada in both World Wars, but it was not until 1960 that Indigenous peoples could vote federally without losing their treaty rights or registered Indian status. In 1969, the *White Paper* proposed eliminating the unfair *Indian Act*, abolishing the federal department of Indian Affairs and transferring the responsibility of Indigenous peoples to the provinces. Indigenous peoples were opposed to these ideas and argued for their treaties to be respected and distinct cultures protected.

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Comprehensive Land Claims, Self-Government Agreements and Recognition (1973 onwards)

The Canadian government outlined its new Indigenous land claims policies in 1973. These modern treaties showed a willingness to settle or renegotiate past treaty rights violations, such as the unlawful taking of reserve lands. The greatest show of respect and recognition of Indigenous peoples' rights by the federal government happened in *Constitution Act, 1982*. This Act recognized existing Indigenous and treaty rights and defined the Indigenous peoples of Canada as including First Nations, Inuit and Métis peoples, as opposed to grouping them altogether.



Map of modern treaties in British Columbia.

Land claims agreements between the Canadian government and Indigenous peoples are intended to respect Indigenous self-government as a right under the Canadian Constitution. They are also meant to recognize Indigenous people's right to make decisions on matters relating to their own communities, cultures, traditions and languages. However, many land claims are still unsettled or are currently under the negotiation process.

Sources: "A Brief History of Our Right to Self-Governance: Pre-Contact to Present" (Centre for First Nations Governance, www.fngovernance.org), "Governance" (Indigenous and Northern Affairs Canada, www.aadnc.gc.ca)

THE NISGA'A TREATY: AN EXAMPLE OF SUCCESSFUL SELF-GOVERNANCE IN B.C.



The Nisga'a settled in northern coastal British Columbia thousands of years ago, and have lived there since. In the late 1800s, the Nation attempted to negotiate a land ownership treaty with the federal government, but was forced to abandon this pursuit because, for nearly thirty years, laws forbade Indigenous peoples from raising money to advance land claims. When the laws were repealed in 1951, the Nisga'a Tribal Council was created to begin treaty negotiations, first with the federal government, and in 1990, with the British Columbia government as well. The Nisga'a treaty came into effect in 2000 and included a \$196 million settlement, over 2,000 square kilometres of land and granted self-government to the Nation.

The autonomous Nisga'a government, which represents Nisga'a people who live both in and outside the territory, is aligned with Nisga'a values and traditional systems of governance. It also respects Canada's interest, its constitution and the *Charter of Rights and Freedoms*. The Nisga'a government has principal authority over matters of membership, language, culture and land, although all its policies must align with federal and provincial laws.

The Nisga'a Treaty is the most important and comprehensive modern treaty land claim agreement signed in British Columbia and has transformed the process of settling land claims across Canada.

The Government of British Columbia put in place, in 1993, the B.C. Treaty Commission, an independent organization that oversees the treaty-making process in the province, and ensures that all parties involved, and their demands, are respected and taken into account.