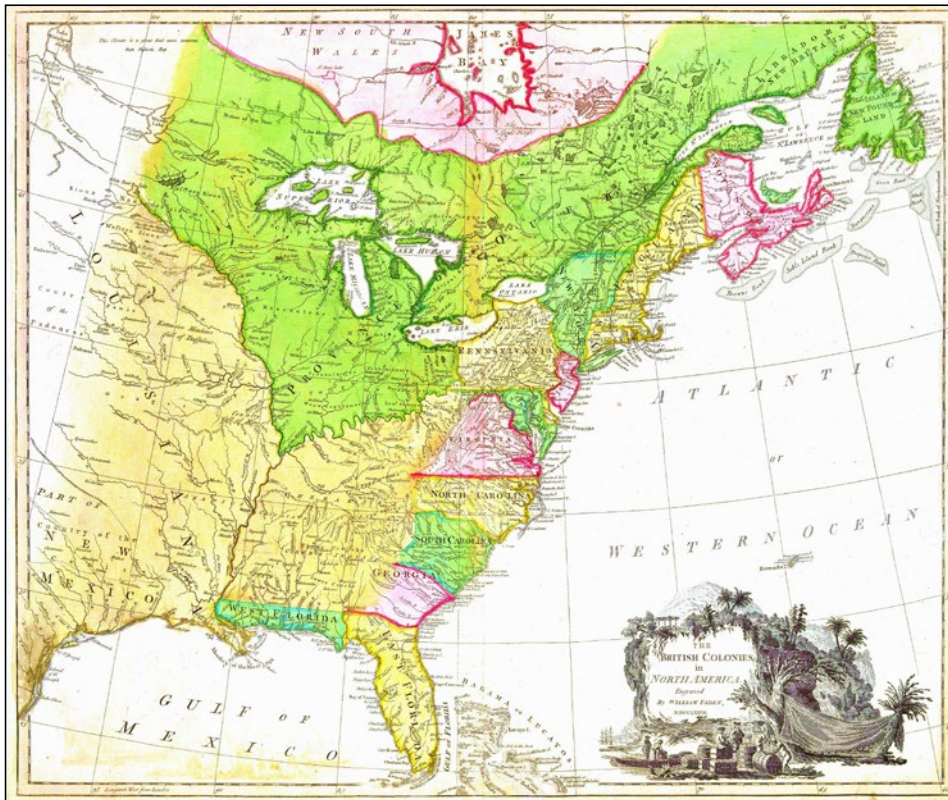


Appendix C

Case study #2: First Nations governance

Evidence #1: The Royal Proclamation of 1763

For thousands of years, the Indigenous people of what is now Canada organized themselves as sovereign (independent) nations. Each nation had control over their own land and property. They cared for and sustained the land. Indigenous rights to land were established before the arrival of Europeans. When Europeans arrived, Indigenous nations were willing to share their land and resources. Commercial ties were established between Indigenous nations and Europeans. This continued until 1763, when the British issued the Royal Proclamation.



By 1777, the British had asserted authority over colonies in North America.

Source: Lawrence H. Slaughter
Collection of English maps, charts,
globes, books and atlases / Charts and
maps, Wikimedia Commons

The Proclamation changed relations between Indigenous nations and the British government. A formal process was created to transfer Indigenous lands to the British Crown. The British began to assert power over Indigenous people and their lands. The British no longer viewed them as nations equal in status to the Crown. Instead, it began to treat them as subjects who were under the rule of Britain. The independence of Indigenous nations was greatly reduced.

Evidence #2: The *British North American Act of 1867*

When Canada officially became a country, the Canadian federal government took over control of Indigenous affairs from Britain, including the negotiation and signing of treaties with First Nations.



Section 91 of the BNA Act gave the Parliament of Canada exclusive jurisdiction over “Indians, and Lands reserved for the Indians”.

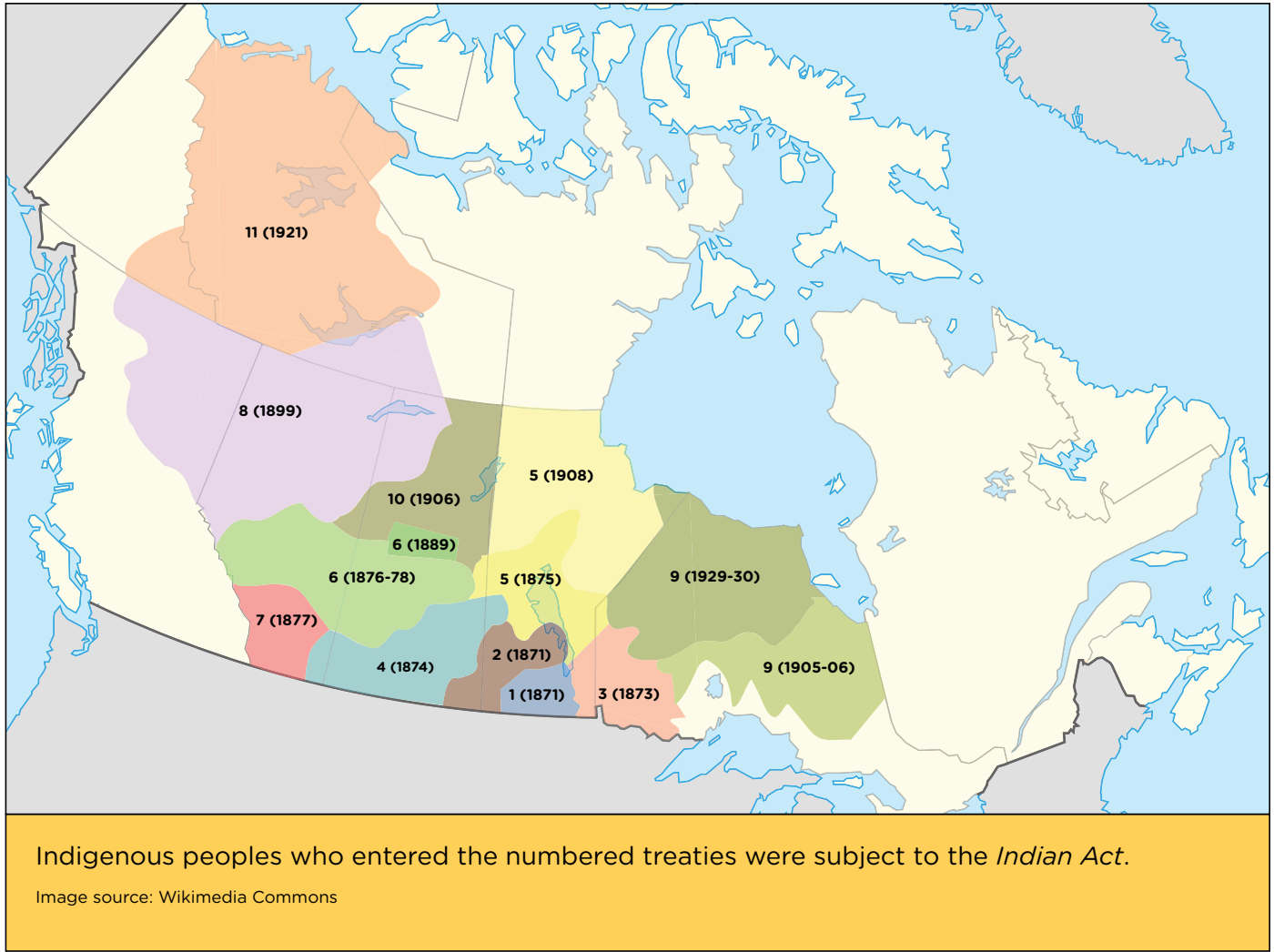
The Parliament began to make laws relating to Indians in 1869. This became the first *Indian Act*. Indian sovereignty was greatly diminished. The laws allowed the Canadian government to replace Indigenous forms of government with elected chiefs and band councils. All their powers came from the Act instead of their inherent right to self-government. Many Indian nations continued to protect their traditional government structures and practiced self-government.

Image source: Wikimedia Commons

Soon, the Canadian government entered into 11 numbered treaties with Indigenous peoples all over Canada. Some parts of Canada did not come under these treaties. The Government of Canada and some provincial governments are in the process of trying to negotiate modern treaties in these locations. The treaties dealt with things like hunting and fishing rights, and land ownership. Indigenous peoples who entered these treaties were subject to the *Indian Act*. Their government structure was replaced with band councils and chiefs.

Consider: The Indigenous peoples did not speak English, the language of British officials negotiating and writing the treaties. Do you think this impacted the fairness of the treaty?

Evidence #3: The *Indian Act*



Shortly after Canada became a country, the government established the *Indian Act*. It governed Indigenous peoples in Canada. The government began to control almost all aspects of Indigenous life. This included governance, political structures, cultural practices, etc. Band council and chief elections replaced traditional governance structures. All of their power came from the federal government. Power could no longer be passed through heredity (power achieved through biological descent). Women could no longer be part of Indigenous political life. The Act forbade many Indigenous cultural practices. It became illegal for any Indigenous land claim to be brought against the government. Children were removed from their families and sent to residential schools. And the Act defined who was considered an “Indian” under Canadian law. The concept of “Indian status” was created. The goal of the *Indian Act* was to assimilate Indigenous peoples and destroy their culture. Since the 1950s, changes have been made to the *Indian Act* to address discriminatory practices. Attempts were made to give band councils more political power. But, the *Indian Act* remains Canadian law. Critics of the Act continue to work to get rid of it. They want to move toward Indigenous self-government and improved Indigenous-government relations.



Government
of Canada

Gouvernement
du Canada

Canada and Anishinabek First Nations sign historic self-government agreement

From: Crown-Indigenous Relations and Northern Affairs Canada
News release — April 6, 2022 — Ottawa, ON

The Government of Canada is working with First Nation partners to restore respectful nation-to-nation relationships, recognize their inherent right to self-determination and support communities as they move out from under the *Indian Act* and transition to self-government.

Today, the Honourable Marc Miller, Minister of Crown-Indigenous Relations, joined Anishinabek Nation Grand Council Chief Reg Niganobe, Chief Lloyd Myke of Magnetawan First Nation, Gimaa Kwe Rhonda Williams-Lovett of Moose Deer Point First Nation, Chief Scott McLeod of Nipissing First Nation, Chief Larry Roque of Wahnapiatae First Nation and Chief Irene Kells of Zhiibaahaasing First Nation at a virtual ceremony to celebrate the signing of the Anishinabek Nation Governance Agreement.

The Anishinabek Nation Governance Agreement is the first self-government agreement of its kind in Ontario and marks an important step away from the *Indian Act* for the signatory Anishinabek First Nations.

Achieved through over 20 years of negotiation, this historic Agreement will recognize Anishinabek control over governance and the law-making powers of the signatory First Nations in key areas. The First Nations will make their own decisions about how their elections will be held, who their citizens are and how their governments will operate, as well as how best to protect and promote Anishinaabe language and culture. Once in effect, the parts of the *Indian Act* that deal with governance will no longer apply to the signatory Anishinabek First Nations.

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Congratulations to the Anishinabek leadership and all those who worked for so long at the negotiating table and through community outreach to bring this historic Agreement to life. This Agreement will help revitalize traditional Anishinaabe governance and renew our nation-to-nation relationship with the signatory Anishinabek First Nations. We look forward to continuing to work together with Anishinabek partners on all our shared priorities, to implement their inherent right to self-determination and support their inspiring visions of a better future for their citizens.”

**The Honourable Marc Miller,
Minister of Crown-Indigenous Relations**

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Congratulations to the First Nations signing the Anishinabek Nation Governance Agreement today and I commend all of the hard work, dedication, and perseverance of those involved to reach this historic moment. The Governance Agreement is another instrument available to us to implement inherent jurisdictions and Anishinaabe laws in fundamental matters that are the pillars of our First Nation governments: citizenship, language and culture, and how we select our leaders and are accountable to their citizens.

**Grand Council Chief Reg Niganobe,
Anishinabek Nation**

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Anishinaabe Governance is the legacy that E'dbendaagzijig today will be leaving to future generations: the ability to govern ourselves and determine what is best for our community. This will be achieved through a community-driven process of law development — relevant and unique to Moose Deer Point.

Gimaa Kwe Rhonda Williams-Lovett
Moose Deer Point First Nation

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As our Nations strive to reassume our rightful jurisdictions over our own governance, the Anishinabek Nation Governance Agreement provides us with a tool to remove ourselves from sections of the *Indian Act*, freeing us to govern and protect our elections, language and culture, citizenship, and management and operations. This is a positive step towards self-government.

Chief Scott McLeod
Nipissing First Nation

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For Wahnapiatae First Nation, the signing of this Agreement is another important step on a very long path; one which our members have been traveling since the Creator placed the Anishinaabe on Mother Earth. With the momentum of one step, we take the next, and we do so with the knowledge and the wisdom of our people carrying us all forward. Today, we are very pleased to continue along this journey as we look to exercise our inherent right to self-governance.

Chief Larry Roque,
Wahnapiatae First Nation