

What laws recognize the collective rights of First Nations peoples?

WHAT'S IN THIS SECTION

In this section you will read about the legislation that affects the collective rights of **First Nations** peoples. You will find:

- Facts and data about the goals of the Numbered Treaties.
- Perspectives on how the Numbered Treaties have been interpreted over time by First Nations groups and Canada's government.
- Examples of modern Treaties that establish collective rights for Aboriginal peoples, including Inuit and Métis peoples.
- A description of the goals of the **Indian** Act.
- A news article about issues related to changing the Indian Act today.

What are you looking for?

As you read the section, look for:

- How past circumstances in Canada's history have influenced interpretations of Numbered Treaties.
- The ways First Nations and government have interpreted Treaties over time.
- How the Indian Act attempted to define and assimilate First Nations peoples.
- How First Nations peoples exercise their collective rights and preserve their identities.



First Nations: the umbrella name for the diverse Aboriginal peoples who have collective rights that are recognized and protected in Canada's constitution. The constitution refers to First Nations as "Indians," in keeping with the name used at the time of negotiating Treaties.

Indian: Europeans used the word *Indian* to describe the First Nations of North America, although these peoples were diverse and had names for themselves. Many First Nations prefer not to use the word *Indian* to describe themselves.

These students are members of the Pikangikum First Nation in Ontario. **Think critically:** What legislation could affect their identity? What opportunities and challenges does it pose for their future and the future of all Canadians?

What are the Numbered Treaties?

sovereignty: independence as a people, with a right to self-government



What can you learn about the Numbered Treaties from this map? Identify three facts related to their location and dates. Identify a question posed by the map that would require further research.

The Numbered Treaties are historic agreements that affect the rights and identity of some First Nations in Canada.

- The Numbered Treaties have roots in the Royal Proclamation of 1763. Britain made the proclamation at the end of the Seven Years' War, as it sought to establish control over lands in North America formerly claimed by France. The proclamation recognized First Nations' rights to land, and established the principle of making treaties with First Nations through peaceful negotiation.
- Other laws also affect the collective rights of First Nations, including the Indian Act and section 35 of the constitution. You can read more about the Indian Act on pages 100 and 137, and more about section 35 on pages 134 and 156.

The Numbered Treaties

This map shows modern provincial and territorial boundaries that did not exist when First Nations and Canada negotiated the Numbered Treaties. We have included them here to orient you.



DID YOU KNOW?

The collective rights of First Nations, Métis and Inuit peoples are a work in progress. Negotiations between Aboriginal peoples and Canada's government continue today, including negotiations to establish modern Treaties and to clarify rights related to the **sovereignty** of Aboriginal peoples.

The Numbered Treaties were agreements between the Queen and First Nations.

- First Nations agreed to share their lands and resources in peace. Canada’s government agreed to terms covering First Nations’ education, **reserves**, **annuities** and other matters. The terms differ from Treaty to Treaty. (See the chart below.)
- For First Nations, the Numbered Treaties are sacred — nation-to-nation agreements, solemnly made, that cannot be changed without their agreement. Treaty rights and citizenship go together for First Nations now, in the past and into the future.

annuity: an annual payment. Under the Numbered Treaties, annuities are mostly symbolic today. For example, the members of Treaty 8 each receive \$5.00 per year.

reserve: land for the exclusive use of First Nations

Terms of Treaties 6, 7 and 8

This chart summarizes the terms in the written versions of the major Numbered Treaties in Alberta.

	Health Care	Education	Hunting and Fishing Rights	Reserves	Farming Assistance	Payments, Annuities and Special Benefits
Treaty 6 (1876–1899)	✓	✓	✓	✓	✓	✓
Treaty 7 (1877)		✓	✓	✓	✓	✓
Treaty 8 (1899)	✓	*	✓	✓	✓	✓

* Mentioned in the written report of the negotiations, but not mentioned in the written terms of the Treaty.

DID YOU KNOW?

Not all First Nations peoples signed Treaties. Their collective rights are affirmed in section 35 of the constitution. You can read more about the constitution and section 35 on pages 134 and 156.



To what extent do you believe it’s important to follow up on agreements? Think of a situation in your own life where you have reached an agreement with someone.

Our Elders view the Treaty as something that is sacred. It is an agreement between the First Nations in this region and her Majesty the Queen — so, the people of Canada. We saw it as a way to live in harmony with European settlers, and to share the land and its resources. Treaty 8 is fundamental to our people.

— Elder Paul Eugene Beaugard, Bigstone Cree Nation, Alberta, October 2007.



We had our own government and laws before the arrival of Europeans, and we lived in harmony with Mother Earth. We signed the Treaty to live in harmony with the people of Canada and their government. To us, this makes all the people of Canada Treaty people, just as we are. The Treaty is forever: for as long the as the grass grows, the water flows and the wind blows.

— Elder Bruce Starlite, Tsuu T’ina First Nation, Alberta, January 2008.



First Nations in the west and Canada negotiated the Numbered Treaties for many reasons.

Canada wanted to build a railway to link the province of British Columbia to the rest of Canada and to open the west to immigration. B.C. joined Confederation on condition that Canada would build the railway. This photo shows railway workers in the 1890s, a few years after the railway was complete.



First Nations and Canada's government wanted to avoid war. Just to the south, Aboriginal peoples and the United States were fighting wars over territory. This photo shows the graves at the site of the Battle of the Little Bighorn in what is today Montana, where more than 100 Aboriginal and 250 American soldiers died in 1876.



The Royal Proclamation of 1763 recognized the rights of First Nations to their lands in parts of North America claimed by the British. Britain issued the Royal Proclamation after it defeated France in the Seven Years' War and became the dominant colonial power in North America.



First Nations wanted to secure their future. They were facing economic and social upheaval from smallpox epidemics, the eradication of the buffalo, the end of the fur trade, and the pressures of European settlement. This photo shows buffalo bones collected on the Canadian prairies in the 1880s and 1890s.



CRITICAL THINKING CHALLENGE In

what way did the Numbered Treaties acknowledge the past? In what way did they respond to events of their time?

Perspectives play a role in the interpretation of the Treaties.

- Canada’s government believes First Nations gave up their land under the Treaties. Many First Nations disagree, especially since their worldviews do not think of land as something anyone can “own” or “give up.”

To us, the land is a legacy, not a commodity. It is every part of our culture. The land from which our culture springs is like water and air. It is one and indivisible.

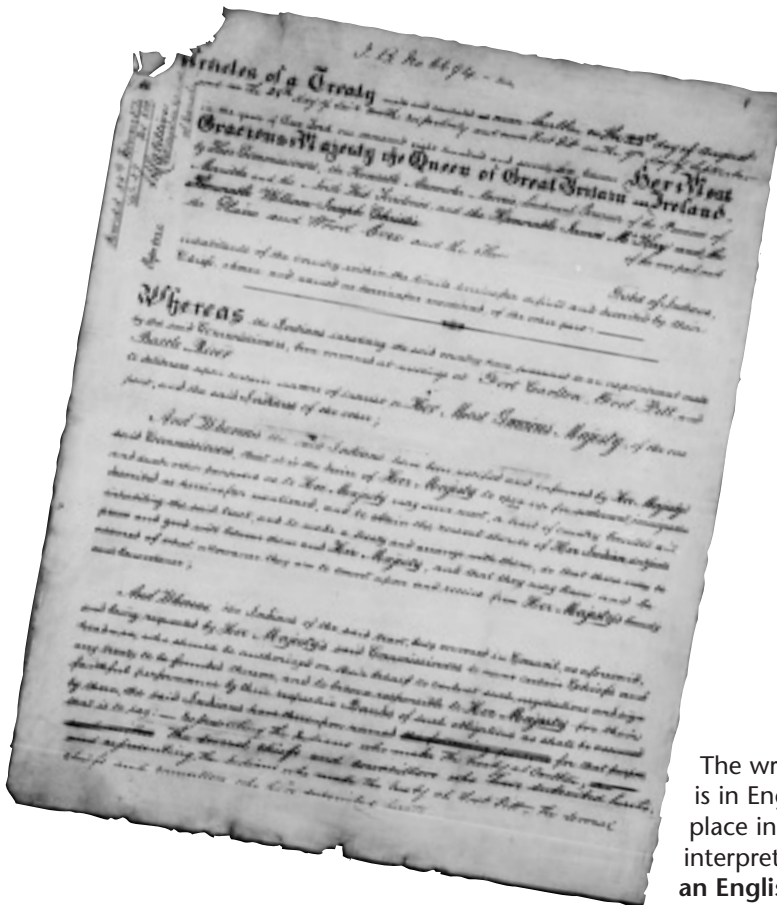
— Gabriel and Clemence Anderson, Elders, Bigstone Cree Nation (Treaty 8).
Translated from Cree by Darrell Anderson Gerrits (Osaw Maskwa), 2005.



Gabriel and Clemence Anderson

- First Nations recorded the Treaties in their oral histories in their own languages. Canada’s government recorded the Treaties in writing in English. The oral and written records disagree on key aspects of the Treaties.

CRITICAL THINKING CHALLENGE How does the way you understand the past affect the way you understand groups in society today? How do perspectives affect understandings of the past?



This is Darlene Littlebear-MacIntosh of the Onion Lake First Nation in Alberta, which is located fifty kilometres north of Lloydminster and straddles the Alberta-Saskatchewan border. Darlene Littlebear-MacIntosh takes care of the talking sticks —

the oral record — of Treaty 6 for her people. Each talking stick corresponds to a provision in the written Treaty, with one exception. The first stick, considered the most important, describes Treaty 6 as an agreement between First Nations and the Queen of Britain, who represented the people of Canada. **Thinking critically:** How does the first stick demonstrate a First Nations perspective on the Treaties?

The written record of Treaty 6, shown here, is in English, but the treaty negotiations took place in several languages and relied on interpreters. **Thinking critically:** Why might an English record differ from a record in another language?

2007

A Perspective from Treaties 6, 7 and 8

The chiefs of Treaties 6, 7 and 8 took out full-page advertisements in Alberta newspapers to mark the Aboriginal Day of Action on June 29, 2007. The advertisements stated that:

- First Nations negotiated the Treaties to share the land, so that First Nations peoples and non-First Nations peoples could benefit.
- Treaties were, and are, nation-to-nation agreements.
- First Nations were, and are, diverse peoples.

The chiefs called on Canadians to lobby the federal government to recognize the true spirit and intent of the Treaties.



First Nations marked the Aboriginal Day of Action on June 29, 2007 with marches on Parliament Hill and provincial legislatures. This photo shows a march in Winnipeg. Examine the photo for evidence of the perspective of these marchers on Treaty rights. **Think critically:** In what way is this march an expression of democratic rights? In what way does it affirm the identity of the marchers and their citizenship in Canada?

DID YOU KNOW?

Modern agreements — or modern Treaties — between Aboriginal peoples and governments in Canada also establish collective rights. For example:

- Nunavut Land Claims Agreement (1993): established Inuit title to more than 350 000 square kilometres in Nunavut.
- Sahtu Dene and Métis Comprehensive Land Claim Agreement (1994): established the rights of the Sahtu Dene and Métis to 41 437 square kilometres in the Northwest Territories, and to negotiate an agreement to govern themselves.
- Nisga'a Final Agreement (2000): established the rights of the Nisga'a Nation to more than 1900 square kilometres in British Columbia and to govern themselves.

2005

[Moving forward will] require a new partnership among us and a new relationship with First Nations, Inuit and the Métis Nation—one based on mutual respect, responsibility and accountability.

We recognize the Treaty and Aboriginal rights protected in our constitution. This is the foundation for our relationship... Today we reaffirm our commitment to renewing our approach to implementing self-government and treaties, and to the resolution of Aboriginal rights to land and resources...

- Prime Minister Paul Martin in an address to the meeting of First Ministers and Aboriginal leaders in Kelowna, B.C., November 24, 2005.



Prime Minister Paul Martin makes a statement at the First Ministers and National Aboriginal Leaders meetings in Kelowna, B.C., on November 25, 2005. **Think critically:** How could you find out the position of Canada's current government on Treaty rights?

FIRST NATIONS PERSPECTIVES

A Timeline of Two Views of the Numbered Treaties

The next seven pages present a timeline spanning more than a century. Here's how to use the timeline.

- The top of each page presents information about the perspectives of First Nations on the Numbered Treaties. Most of these perspectives come from First Nations in Alberta covered by Treaties 6, 7 and 8. Analyze these for evidence that First Nations viewed, and continue to view, the Treaties as nation-to-nation agreements that establish rights. Use an organizer like the one below.

Perspective: First Nations

Date	Source	Main Idea	Affirms First Nations?
1876	Mistahwahsis, Treaty 6 negotiations	– Treaty is permanent – securing the future	Yes

CANADIAN GOVERNMENT VIEWS

- The bottom of each page presents information about the views of Canada's government on the Numbered Treaties. Analyze these for evidence that Canada's government has had different views of Treaty rights over time. Use an organizer like the one below.

Views: Canadian Government

Date	Source	Main Idea	Affirms First Nations?
1876	Alex. Morris, Treaty 6 negotiations	– Treaty is permanent – First Nations should learn European ways – First Nations can keep traditional ways	Yes and No

Chief Morris Scennacappo of Rolling River First Nation in Manitoba participates in a demonstration in front of Canada's parliament buildings in 2002. The demonstration concerned changes to legislation that affected the rights of First Nations.



FIRST NATIONS PERSPECTIVES

1870
1880
1890
1900
1910
1920
1930
1940
1950
1960
1970
1980
1990
2000
2010

1876

A Perspective from Treaty 6

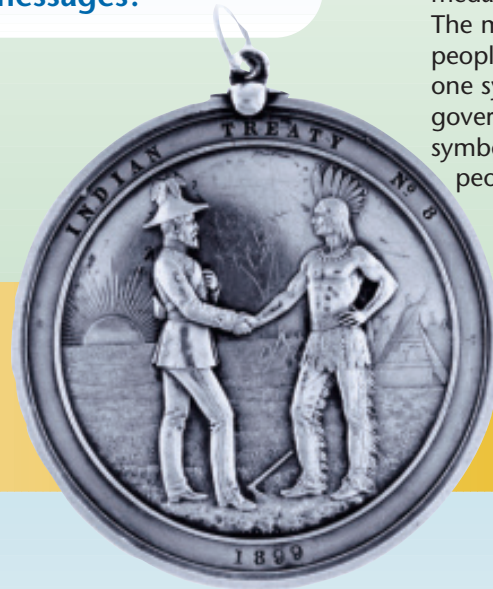
What we speak of will last as long as the sun shines and the river runs. We are looking to the future of our children's children.

— Cree spokesman Mistahwahsis about the terms of Treaty 6, August 22, 1876.



Examine the medal carefully. What messages about the meaning of the Numbered Treaties does it convey? To what extent do the statements on this page convey the same messages?

Canada's government struck medals like this to commemorate the Numbered Treaties. This medal dates from 1874. The medal shows two people shaking hands: one symbolizes Canada's government and one symbolizes First Nations peoples.



CANADIAN GOVERNMENT VIEWS

1876

What I will promise, and what I believe and hope you will take, is to last as long as the sun shines and the rivers flow... I see the Queen's Councillors taking the Indian by the hand saying we are brothers, we will lift you up, we will teach you, if you will learn, the cunning of the white man... I see **Indians** gathering, I see gardens growing and houses building; I see them receiving money from the Queen's Commissioners to purchase clothing for their children; at the same time, I see them enjoying their hunting and fishing as before, I see them retaining their old modes of living with the Queen's gift in addition.

— Alexander Morris, August 18 and September 7, 1876 during the negotiation of Treaty 6. Morris represented Canada during the negotiations.

Indian: Many First Nations prefer not to use the word *Indian* to describe themselves. It is used here because Alexander Morris used it.



FIRST NATIONS PERSPECTIVES

A Perspective from Treaty 6

First Nations were and are independent peoples with their own processes of government and ways of organizing their nations. **Why did they — and do they — expect to remain in charge of decisions affecting their culture and identity? How might their Treaty rights figure in their perspective?**

This photo dates from 1910 and shows a settlement of the Blackfoot Confederacy in southern Alberta.



CANADIAN GOVERNMENT VIEWS

Under the Indian Act, Canada's government appointed Indian Agents to run reserves. This photo shows Howard Sibbald, Indian Agent at the Nakoda reserve near Calgary from 1901 to 1904. Canada's government appointed Indian Agents without consulting First Nations.



Compare and contrast the information on this page. What issues about First Nations governance can you identify?

1876: The Indian Act

Canada's parliament passed the Indian Act, which made rules about the lives of First Nations peoples without consulting them. At the time, Canada's government viewed First Nations as peoples who needed guidance. This connected to Canada's colonial past, and the attitude that European ways were superior to the ways of other peoples. How does the excerpt from the Indian Act, below, reflect this? You can read more about the Indian Act on page 137 and page 138.

61. THOSE ENTITLED TO VOTE SHALL BE THE MALE MEMBERS OF THE BAND OF THE FULL AGE OF TWENTY-ONE YEARS.
 62. THE CHIEFS OF ANY BAND OF INDIANS SHALL BE ELECTED, AT SUCH A TIME AND PLACE AS THE [FEDERAL GOVERNMENT] MAY DIRECT, AND THEY SHALL BE ELECTED FOR A PERIOD OF THREE YEARS, [UNLESS THE FEDERAL GOVERNMENT DECIDES TO REMOVE THEM.]
 — INDIAN ACT, 1876.

A Perspective from Treaty 7

This photo shows two Siksika school children. Their mother, Mary Running Rabbit, stands behind them on the right. The Siksika Nation is part of Treaty 7.

The two women have taken the children to a spiritual leader, who has drawn circles on their faces. The circles represent the cycle of the sun from sunrise to sunset.

The circles show that this family values its culture and identity. **What hopes and expectations might this family have for the education of these children? How might Treaty rights to education have figured in their plans for the future?**



This photo is undated, but was probably taken during the 1920s or 1930s. The aim of the people in this photograph — to affirm the identity of the children — contrasts with the aim of the government's policy on residential schools, below. The last residential school in Canada closed in 1996.

WHAT'S A LAW VERSUS A POLICY?

Governments create laws, and they also create policies. A law describes principles or conditions that must be followed. A policy describes objectives of the government, within the law.

Example: First Nations Education

- The Numbered Treaties — the law — said that the federal government was responsible for providing education to First Nations.
- The policy of the federal government was to provide this through residential schools.

1879: Residential Schools

Canada's government commissioned MP Nicholas Davin to recommend how to provide First Nations with education and to assimilate them at the same time. The Davin report in 1879 recommended residential schools. Residential schools removed children from their families and disrupted their connections to their languages, cultures and identities.

Residential schools allow "aggressive civilization" by separating the children from the parents...

Residential schools make a certain degree of civilization within the reach of Indians despite the deficiencies of their race... The Indians realize they will disappear.

— Adapted from the *Report on Industrial Schools for Indians and Half-Breeds* by Nicholas Flood Davin, March 14, 1879.

Recently, Canada's government has begun to compensate former students of residential schools for the trauma they suffered.



These photos show Thomas Moore before and after his entrance into the Regina Residential School in 1897. How does the message of these photos compare with the photo above?

FIRST NATIONS PERSPECTIVES

Indian: First Nations sometimes use this term because it was, and continues to be, a term with legal and constitutional significance. It is not a term First Nations chose for themselves.



John Tootoosis, Poundmaker Cree Nation, helped found the Union of Saskatchewan Indians in 1946.

1939

A Perspective from Treaties 6, 7, and 8

First Nations in Alberta organized the Indian Association of Alberta. **What do the objectives of the association, quoted below, tell you about the reason it was founded?**

The aims of the Indian Association of Alberta shall be:

1. To maintain treaty rights.
2. To advance the social and economic welfare of **Indian** peoples.
3. To secure better educational facilities and opportunities.
4. To cooperate with federal, provincial and local governments for the benefit of Indians.

— Constitution of the Indian Association of Alberta.

1946

A Perspective from Treaty 6

We made treaties with Great Britain and the trust was given to the Canadian government to live up to our treaties. Ever since the first treaties, First Nations have felt that [Canadian] officials have not complied with those treaties.

— John Tootoosis, Poundmaker Cree Nation, 1947.

CANADIAN GOVERNMENT VIEWS

1939

The economic adjustment of the Indians to modern life is a large problem. We need to make the Indians lead the normal life of the ordinary Canadian citizen.

— Adapted from a statement by T.R.I. MacInnes, secretary of Canada's Indian Affairs Branch.

A Nakoda man, whose name is unknown, ploughs a field on the Nakoda reserve near Calgary. Government policies and the Indian Act sought to replace the traditional ways of First Nations with European ways, such as farming. For example, at points in its history, the Indian Act prohibited First Nations people from wearing traditional clothing.



1970

A Perspective from Treaties 6, 7, and 8

To preserve our culture it is necessary to preserve our status, rights, lands and traditions. Our treaties are the basis of our rights... The treaties are historic, moral and legal obligations... The government must declare that it accepts the treaties as binding...

— The Indian Association of Alberta, *Citizens Plus*, 1970.



Compare the statement above with the statement below. Why might the government have made the statement below? Why might First Nations have protested against this statement?

Harold Cardinal, elected leader of the Indian Association of Alberta, delivers his perspective on Treaty rights to Prime Minister Pierre Trudeau and his cabinet in June 1970. Harold Cardinal considered First Nations people as full citizens of Canada, with all the rights of individual Canadians, and with collective rights in addition. He captured this idea with the term “citizens plus,” which became the title of a paper on Treaty rights he helped author for the Indian Association of Alberta in 1970. Part of the paper is quoted above.

1969

Canada cannot be a just society and keep discriminatory legislation on its statute book. The barriers created by special legislation, such as treaties, can generally be struck down. The treaties need to be reviewed to see how they can be equitably ended.

— Adapted from the “Statement of the Government of Canada on Indian Policy,” 1969.

Jean Chrétien was Minister of Indian Affairs when Canada’s government released the “Statement of the Government of Canada on Indian Policy.” The release triggered an intense protest from First Nations.



FIRST NATIONS PERSPECTIVES

1870
1880
1890
1900
1910
1920
1930
1940
1950
1960
1970
1980
1990
2000
2010

entrenching:
fixing firmly within

patriate: to bring to a country something that belongs to the country

1980

A Perspective from Treaties 4, 6, and 10

We, the First Nations, proclaim our dedication and commitment to the recognition of our unique history and destiny within Canada by **entrenching** our treaty and Aboriginal rights within the constitution. Only in this way can we truly fulfill the sacred obligation handed down to us by our forefathers for future generations. Anything less would result in the betrayal of our heritage and destiny.

— Adapted from a presentation to Canada’s parliament by the Federation of Saskatchewan Indians, December 1980.



This photo shows First Nations delegates from the Federation of Saskatchewan Indians in London in 1980 to petition Britain’s parliament for inclusion of Aboriginal rights in Canada’s constitution. Britain, as a former colonial power, controlled Canada’s constitution. First Nations, Métis and Inuit peoples realized Britain might consider changing the constitution before it was **patriated**. In the end, their work ensured Canada made this change. The result: section 35 of Canada’s constitution recognizes First Nations, Métis and Inuit peoples as Aboriginal peoples, and recognizes their existing Treaty and Aboriginal rights.

CANADIAN GOVERNMENT VIEWS

1982: The Constitution

I speak of a Canada where men and women of Aboriginal ancestry, of French and British heritage, of the diverse cultures of the world, demonstrate the will to share this land in peace, in justice, and with mutual respect.

— Prime Minister Pierre Trudeau, April 17, 1982 at the proclamation ceremony for the constitution.



Prime Minister Pierre Trudeau led negotiations to patriate Canada’s constitution in 1982. He did not agree, at first, with including the rights of First Nations, Métis and Inuit peoples in the constitution. He believed Aboriginal people needed to be equal with other Canadians. He viewed laws that set them apart — such as the Numbered Treaties or provisions in the constitution — as obstacles to their equality. Aboriginal peoples viewed these laws differently — as affirmations of their identity. They used their democratic rights to voice their perspective.

HOW TO IDENTIFY AND ANALYZE INFORMATION SOURCES

What’s the difference between primary and secondary sources?

Primary sources are created by people who actually saw or participated in an event and recorded their reactions to that event immediately after the event occurred. Secondary sources are created by someone not present at the event, or are interpretations of events that already occurred.

There are many types of information sources — for example:

- Written documents, such as letters, news articles, diaries, biographies, legal documents, quotes or interviews.
- Websites and e-mails.
- Recordings and videos.
- Photographs, paintings and drawings.
- Artifacts such as clothing or objects.

Using the questions below, work with a partner to identify two examples of information sources in this section. How does the source contribute to your understanding of the issues regarding collective rights? Create a chart to organize your ideas.

How to Identify and Analyze Information Sources	Example	Example
Is the source primary or secondary?		
Is the source reliable and knowledgeable about the subject? How do you know?		
What views or perspectives does the source contain? How does this affect its validity?		
When was the source created?		
Why was it created?		
What does the source tell you about collective rights?		



Compare and contrast two sources from this chapter to determine to what extent they affirm the collective rights of First Nations, Métis or official language minorities. Identify the sections in the Charter of Rights and Freedoms associated with the collective rights you describe.

Using your research skills, find one or two other sources to support your examples from the chapter. *Refer to the Skills Centre on pages 360 to 362 to give you ideas for other types of sources you can research.* Write a paragraph summarizing your information and share it with the class.



What is the Indian Act?

So far, this chapter has explored the collective rights of First Nations in the Numbered Treaties. This exploration mentioned the **Indian Act**, because the Indian Act demonstrated something important about the way Canada's government understood Treaty rights. This page and the next examine the Indian Act in more depth.

- The Numbered Treaties confirmed the Canadian government's duty to protect the collective rights of First Nations. The Indian Act was one way the government attempted to do this. Under the act, the federal government is able to develop specific policies and programs to administer Treaty rights to First Nations.
- The act affirmed the collective rights of First Nations. It also created officials for each reserve — “Indian Agents” — with the power to decide individually how the government would fulfill its duties. This meant there were many interpretations of what Treaty rights meant on a case-by-case basis.
- The Indian Act dates from 1876. At the time, Canada's government thought it appropriate to make laws for First Nations without consulting them. This connects to Canada's colonial past, when people of European descent believed their cultures superior to other cultures (**ethnocentrism**).
- The act defines who may be registered as a “status Indian” with Treaty rights. This means the federal government mostly controls these decisions, not First Nations themselves. The Indian Act was — and is — a way for the government to administer Treaty rights to Treaty peoples.
- The act originally aimed to **assimilate** First Nations peoples.
 - It defined how First Nations peoples had to conduct their affairs, such as band elections, although First Nations had their own ways of governing themselves.
 - At points in its history, the act restricted the right of First Nations people to travel freely, to take political action, to wear traditional dress, and to take part in traditional ceremonies.
 - Until 1960, the act required First Nations people to give up their legal identity and Treaty rights to gain the right to vote.
- Pressure from First Nations has caused Canada's government to revise the Indian Act several times. The act remains in force today.

assimilate: become part of a different cultural group

ethnocentrism: the belief that one's culture is superior to all other cultures

Indian Act: federal legislation related to the rights and status of First Nations peoples (“status Indians”), first passed in 1876 and amended several times

DID YOU KNOW?

Under section 87 of the Indian Act, some First Nations people living on reserves do not pay taxes. Most First Nations people, however, do pay taxes.

connect to the big ideas

1. Why might the Indian Act both challenge and affirm First Nations identity today? Propose a response and back it up with evidence from this page.
2. How could you check your response with the views of First Nations? Create a brief research plan for gathering the views of First Nations in Alberta. **Refer to pages 355 to 359 in the Skills Centre for tips on developing a research plan.**



Changing the Indian Act

First Nations and Canada's government agree that the Indian Act needs updating. But First Nations rejected the government's attempt in 2002. **What issues about updating the act does this news article reveal?**

First Nations vow to battle bill

June 14, 2002

OTTAWA — Ottawa has unveiled legislation to replace the Indian Act: Bill C-61, the First Nations Governance Act.

"This legislation puts the power to handle community governance affairs where it belongs, in the hands of First Nations people themselves," said Indian Affairs Minister Bob Nault.

Many First Nations say the government did not consult them adequately before drafting the bill. They reject the bill in principle, because it does not recognize their status as nations with the right to make rules for themselves.

Among its many measures, the First Nations Governance Act would establish codes of conduct for First Nations officials and require First Nations to prepare budgets for public review. As well, it would allow First Nations to make bylaws for their reserves.

Assembly of First Nations Grand Chief Matthew Coon Come ripped up the bill in full view of hundreds of First Nations protestors on Parliament Hill. He called the bill "the Indian Act, Part II."

"I believe that we as First Nations have a right to determine our own political institutions, to establish our own political societies. We are not children. We can manage, coordinate, administer and run our own affairs," he said.

Roberta Jamieson, chief of the Six Nations of the Grand River, describes the bill as a new form of colonialism. It's "little more than a new rule book," she says.

Minister Nault says the bill is needed because the 126-year-old Indian Act is outdated.

— Based on research into events, views and perspectives.



SPOT AND RESPOND TO THE ISSUE

What should be done about the Indian Act today? Consider the steps in **Spot and Respond to the Issue** on pages 12 and 13. What individuals and groups does this issue affect most? How does it connect to their sense of citizenship and collective identity?

Arron Turkey, 6, of the Six Nations of the Grand River in Ontario, takes part in a protest along with Elder Gordon Lee of Ermineskin Cree Nation, Alberta, on Parliament Hill to protest the First Nations Governance Act, June 14, 2002.



Analyzing Historical Context

In this chapter, you have explored laws related to the collective rights of some peoples in Canada. These laws have included Treaties 6, 7 and 8, the Indian Act and Canada's constitution. In the coming pages of the chapter, you will find information about other laws and collective rights.

Collective rights have roots in history. How can understanding historical context help you understand collective rights, and their role in Canadian society today?



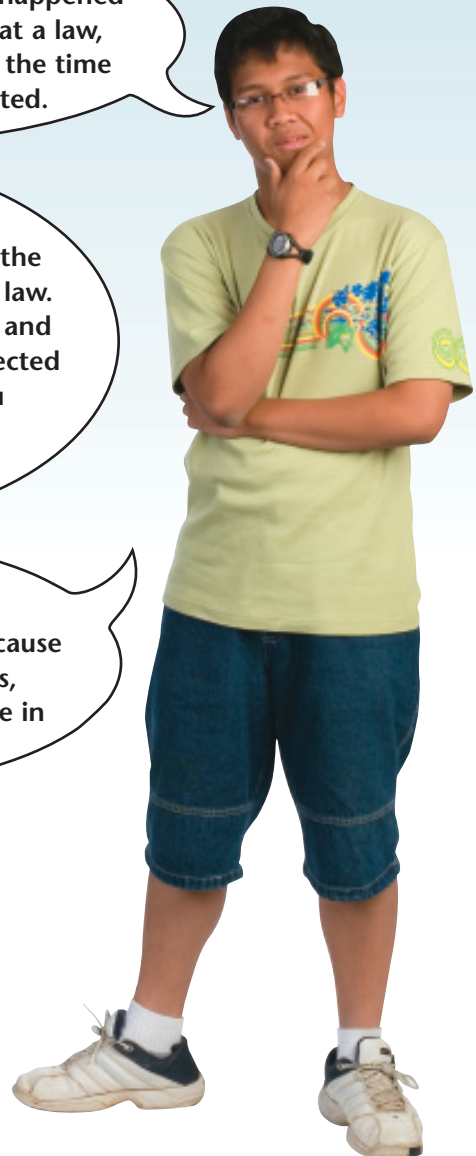
HOW DO YOU ANALYZE HISTORICAL CONTEXT?



Analyzing historical context is part of analyzing why things happened in the past. It's about looking at a law, for example, and investigating the time in which the law was created.

If you are researching a law, you need to research events in the past that may have affected the law. You also need to research views and perspectives from the past connected to the law. This will help you understand how and why the law came about.

Understanding historical context can help you develop an informed position on issues, because the past can influence the views, perspectives and actions of people in Canadian society today.



Try this!

Research in more depth one of the laws found in this chapter. Choose from the list below. Use the questions in the chart below as a model for analyzing the historical context of the law you choose.

Laws Affirming Collective Rights

- Treaties 6, 7 and 8
- Indian Act
- Official Bilingualism
- Minority Language Education Rights
- Manitoba Act
- Section 35, Constitution Act

TOPIC: *Treaty 8*

Inquiry	Student Notes
1. When was the law created?	<i>1899</i>
2. What events had an impact on the law?	<i>- Royal Proclamation of 1763 - Loss of the buffalo...</i>
3. What views and perspectives had an impact on the law?	<i>First Nations perspectives: - Treaty 8 was a permanent nation-to-nation agreement... Government views: - Colonial attitude that non-European peoples needed guidance...</i>
4. What issues concerning the law have arisen over time?	<i>- To what extent has Canada's government honoured the terms of the Treaty? - How should Canadians respond to the collective rights of Treaty 8 First Nations?</i>
5. Why have these issues arisen?	<i>- The government's policy of residential schools because... - The impacts of Indian Act on First Nations because...</i>
6. How does the law affect citizenship for all Canadians today?	<i>- Treaty 8 First Nations continue to seek recognition of their Treaty rights, so...</i>



Read the chart carefully. How do the questions relate to the perspective of Treaty 8 First Nations today? Choose one question and describe a connection.