

Understanding Aboriginal Government

The Constitution recognizes three types of aboriginal people: Inuit, Métis, and Indians.

Outside of Canada, the Inuit are usually referred to as Eskimos if the larger group is meant, with the term Inuit reserved for a subgroup. The other major group of Eskimos are the Yup'ik, who occupy the southern and western parts of Alaska. All Canadian Eskimos are Inuit, but some Inuit also live in Greenland and Alaska.

The term Métis has two senses. Legally, it includes a fairly broad group of people of mixed native and non-native blood. Anthropologically, it has a narrower sense, referring to the subgroup of people of mixed blood who developed a culture distinct both from that of Europeans and from that of local Indians, mostly Cree, in the Red River area and their descendants.

Indians are now often referred to as “First Nations” people. People recognized as Indians by Canada are *status* Indians. A *non-status* Indian is a person with some Indian blood who identifies as Indian but is not recognized as an Indian by Canada. Many non-status Indians are the descendants of Indian women who married non-native men and, by the rules of the time, lost their status.

The basic unit of Indian government in Canada is the *band*. A band typically consists of one main settlement or what was originally one nomadic or semi-nomadic group. However, some bands include more than one settlement. Until 1985, when changes in legislation separated Indian status from band membership, every status Indian was a member of a band. It is still the case that most status Indians belong to a band. Even if someone is informally affiliated with more than one band, it is possible to belong to only one band at a time. It is possible to transfer from one band to another with the approval of the receiving band.

Bands in the legal sense are creatures of the federal government under the Indian Act. A band is normally governed by a chief plus one councillor per 100 members, with a minimum of two councillors. These are normally elected under procedures set out by the Indian Act and the Department of Indian and Northern Affairs, but some bands have what are known as “custom” arrangements. The chief of a band is not necessarily a chief in the group's traditional system and chiefs in the traditional system are not necessarily chiefs in the government system. In some communities there is conflict between a traditional system and the Indian Act system. Bands usually have a General Manager (sometimes with another title) who is responsible for day-to-day administration. The General Manager is an employee and is not necessarily a band member. Under the Indian Act, band councillors must be band members and must live on one of the band's reserves. The Indian Act does not impose these requirements on chiefs. Indeed, the chief need not even be a status Indian. However, bands may impose their own requirements.

A *reserve* is a single, usually contiguous, piece of land held in trust for the band by Canada. A band may also own land in fee simple; such land is not reserve land. Here in British Columbia, most bands have several small reserves. There is typically one reserve containing the main village together with other reserves containing smaller settlements, former settlements, and sometimes sites used for special purposes. Reserves may have names but officially they are numbered. For example, North Shelley and South Shelley, where most Lheidli T'enneh people live, together constitute “I(indian) R(serve) #2”. The band also has a small, uninhabited reserve at Isle Pierre (IR#4) and another with a few homes across from Miworth (IR#3). IR#1 was the land at Fort George surrendered in 1911.

Bands may join together to form larger units. One such unit is a *tribal council*. The member bands delegate certain powers and duties to the tribal council. A band does not have to belong to any tribal

council and may withdraw from a tribal council. A band that does not belong to a tribal council is said to be *independent*. Tribal councils are recognized by Canada and receive funding from Canada. A tribal council is governed by a chief, possibly a vice-chief, and a board of directors who represent the member bands. The directors are usually the chiefs of their bands but need not be. The members of a tribal council often belong to the same “tribe” in an anthropological sense but not always. For example, the Tsilhqot’in National Government consists of four Chilcotin bands; the fifth Chilcotin band together with three Carrier bands form the Carrier-Chilcotin Tribal Council.

Bands sometimes form organizations similar in function to a tribal council that are not technically tribal councils because they are not recognized as such by Canada and do not receive funding from Canada. An example is the Tahltan Central Council.

The term “grand chief” has no generally accepted technical meaning. It is not a position either in the government system or in the hereditary system in this area. It is an honorary title. To the East of the Rockies the chief of a tribal council or other larger organization is sometimes known as a “grand chief”.

Bands may also join together for special purposes such as child welfare or health care. Such special purpose units may be part of a tribal council or may be independent. They are sometimes spun off by a tribal council in order to insulate them from politics.

Bands may also join together to form larger scale political groups. At the national level, the main group is the Assembly of First Nations (<http://www.afn.ca/>), which consists of the chiefs of all of the bands. The AFN is led by a National Chief who is elected by the other chiefs. The AFN is recognized as a partner by Canada, which consults with the AFN and passes some funding through the AFN. The AFN has sub-parts known as regions, mostly corresponding to provinces, each led by a Vice-Chief. The British Columbia organization is the British Columbia Assembly of First Nations (<http://www.bcafn.ca/>).

There are also provincial-level groups. In British Columbia, the two most important provincial groups are the First Nations Summit (<http://www.fns.bc.ca/>) and the Union of British Columbia Indian Chiefs (<http://www.ubcic.bc.ca/>). The Summit was formed to deal with the new treaty process created in 1991. It represents about two-thirds of the bands in British Columbia. In general, bands that are participating in the treaty process belong and bands that object to the treaty process do not. However, some bands belong to both the Summit and the Union. The Union is in some ways broader-based since it was not created specifically to deal with the treaty process but for that same reason is viewed as less of a partner by the province and Canada. The oldest of the provincial groups is the Native Brotherhood, which has both individual and group members. It currently deals mostly with issues related to fisheries.

The British Columbia First Nations Leadership Council consists of the political executives of the BC Assembly of First Nations, the First Nations Summit, and the Union of British Columbia Indian Chiefs. It is not a legal entity but a group that coordinates the activities of the three organizations under the terms of an agreement called the *Leadership Accord*.

The First Nations Education Steering Committee (<http://www.fnesc.ca/>) was originally the education branch of the First Nations Summit. However, as it increasingly came to represent BC First Nations in educational matters, its association with the Summit became problematic since many bands did not belong to the Summit. As a result, it was split off from the Summit and is now an independent organization.

The First Peoples' Heritage, Language and Culture Council (<http://www.fphlcc.ca/>) is not strictly speaking a First Nations organization. It is a provincial crown corporation governed by a board selected partly by the government and partly by an advisory board whose members are nominated by First

Nations but chosen by the FPHLCC board. It administers certain funds for language and culture projects.

In addition to general groups such as the Summit and the UBCIC, regional and provincial level groups dealing with particular issues are formed and dissolved from time to time. An example is the First Nations Fisheries Council (<http://www.fnfisheriescouncil.ca/>), formed in 2007 to deal with fisheries issues.

The United Native Nations (<http://www.unns.bc.ca/>) is a provincial group that represents, in principle, all people of Indian ancestry, with a focus on those living off reserve. When it was created in 1969 it was called the BC Association of Non-status Indians. It now represents not only non-status Indians but Métis people and status Indians, especially those living off reserve. It is affiliated at the national level with the Congress of Aboriginal Peoples. Membership is individual. Another provincial Métis organization is the Métis Nation British Columbia, which is affiliated at the national level with the Métis National Council. Another national organization is the Métis Nation of Canada, whose members are individuals, not provincial organizations.

The national organization of Inuit is the Inuit Tapirisat of Canada (<http://www.itk.ca/>). There is no provincial organization in British Columbia since Inuit are not indigenous to the province.

The Prince George School District includes the territory of three bands: Lheidli T'enneh (Carrier), McLeod Lake (Sekani), and the Simpcw First Nation (Shuswap)., but there are few students from Simpcw First Nation. Both Lheidli T'enneh and McLeod Lake were formerly affiliated with the Carrier Sekani Tribal Council but are now independent. However, many students come from communities outside the boundaries of the district, such as Saik'uz, Nadleh, Stellakoh, Nak'azdli, Tl'azt'en, Takla Lake, and Lake Babine Nation. Child welfare services for all of these bands are provided by Carrier Sekani Family Services (<http://www.csfs.org/>), an independent organization that was spun off by CSTC.