



Native Women's
Association of Canada

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L'Association des  
femmes autochtones  
du Canada

# RESOURCE MANUAL

## FOR EMPLOYERS AND SERVICE PROVIDERS

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# Two World Views & Colonization: FIRST NATIONS ELDER PERSPECTIVE

## PART 1: TWO WORLD VIEWS CREATION STORY

All peoples of the world have their stories about how life on earth began; we are no exception. Each Indigenous nation of Turtle Island has its creation story. Here is an example of one such story...

Then Kelowoskape, "the man from nothing," came into the world. When he opened his eyes, he was lying on his back in the dust. His head was toward the rising sun and his feet were toward the setting sun, the right hand pointing to the north and the left hand to the south.

Having no strength to move any part of his body, yet the brightness of the day revealed to him all the glories of the whole world: the sun was at its highest point, standing still, and beside it was the moon - without motion - and the stars were in their fixed places, while the sky was in its beautiful blue.

While his eyes held fast in their sockets, he saw all that the world contained. Besides what the region of the air revealed to him, he saw the land, the sea, mountains, lakes, rivers and the motion of the waters and in it, he saw the fishes. On the land there were the animals, and in the air were the birds. In the direction of the rising sun the night was approaching.

Kci-Manoto made it known to Kelowoskape that the world was all spiritual, that there was a living spirit in all things, and that the spirit in all things has power.

And at this time, Kci-niwesq was a young maiden, and Kelowoskape heard her soft voice speak to him out of nowhere: "teach this to all your people." And these are the words she said to him:

"I have come to stay, and I have brought all the colours of life on my brow. Love is mine, and I will give it to you, if you love me as I love you. And, all the world will love me, even the animals will love me, and they will steal my body, because they love me."

"Strength is mine and those who can reach me will get it. Peace is mine and I will bring "contentment" to the hearts that seek it, but woe to the man who does not listen to the power. I am here, I am young in age, and I am tender, yet my strength is great, and I will be felt all over the world, because I owe my existence to the beautiful plants of the earth. And as the evening and morning dew falls on the leaves of the plants when the sun was at its highest point, and shining in it, the heat of the sun warmed the dew, and that warmth brought life: and I am she."

## CREATION STORY: THREE TEACHINGS

1. Respect the power of the Great Mystery.
2. The land (Kci-niwesq) the Great Mystery gave to us we must never leave.
3. We must never forget the first mother, and we must show the love we have for her by conducting observances, (ceremonies) in her honour. We continue to do that to this day.



## CREATION STORY: LESSONS

And at this time, when the earth was young, she was beautiful. There was nothing that was ever created that was more beautiful. All life performed in perfect harmony and balance.

The path of life goes from East to West. So now, today, we recognize the Creator within Creation.

The Great Mystery has made sure that everything that has ever been created is sacred - the Sun, Moon, the Wind, the Ocean, and all that lives between the earth and sky.

We are not to walk in fear and sadness, but with courage and clear purpose, because the power, beauty, and sacredness of creation is already ours. We respect, honour, and celebrate that life today.

We are but guests on this earth, and one day we too will all come to the Western door.

And I send this prayer to those who have gone ahead, and I ask for their help in what we must do to protect life here in this place, so that our children, our grandchildren, and great grandchildren can follow in our footsteps.

## INDIGENOUS PERSPECTIVES: BALANCE & HARMONY

All Life travels in a circle. The sun, moon, earth, air, stars, water, plants, trees, birth/death, day-

light/darkness, etc... they are all in constant motion, in a never-ending cycle of life.

To live a good life within this worldview, one must plug into the spiritual aspect of the life of all living things.

This life is based on the extended family who are taught from birth, to walk gently on the earth, respect all other living things, take only what is needed to live a good life, seek balance and harmony, and never forget to show gratitude for the gifts that were given to us so freely by the Great Mystery.

Walking in beauty: a Native woman's ideal state of wellbeing and health, requires a close connection to the earth, and living in harmony with the environment.

A whole medical system that encompasses a range of holistic treatments used by Indigenous healers for a multitude of acute and chronic conditions or to promote health and wellbeing.

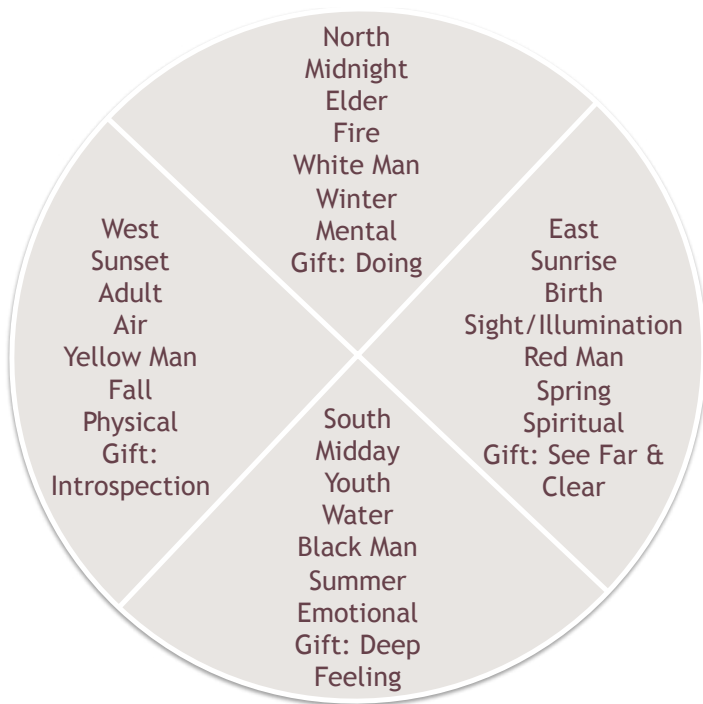
Stories and legends were used to teach positive behaviours as well as the consequences of failing to observe the laws of nature. Herbs, manipulative therapies, ceremonies, and prayer are used in various combinations to prevent and treat illness.

Native diets, ceremonies that greet the seasons and the harvests, and the use of native plants for healing purposes have been used to live and promote health by living in harmony with the earth.

Ceremonies play an important role in the overall wellbeing of Indigenous Peoples.

# Two World Views & Colonization: FIRST NATIONS ELDER PERSPECTIVE

The consequences of abandonment of traditional practices can be readily seen when comparing the health of younger generations of Indigenous populations to their living Elders who engage in traditional health practices.



## ETHNICITY/ORIGINS

Hope Prophecies tell us that the Indigenous Peoples of the North American continent survived four worlds at the heart of the earth, which is below the ice formations during the Ice Age. We still have stories in our language that talk about a time when the animals were huge and dangerous, when there were great floods and earthquakes on our land. Our stories tell us that we migrated from south to the

north as the ice melted, and not from across the Bering Strait as was taught for many years.

Sovereignty means you are a 'people' with jurisdiction and control in your own territory. It means that as a 'people' you are free to follow your own laws, your own forms of government and your own way of life. For Indigenous Peoples this sovereignty came to us from the Creator and it is absolute. That is why most of the Indigenous nations have their own Creation Stories about how their ancestors came to be in their lands.

Sovereignty cannot be denied or legislated away by a colonizing nation-state such as Canada. It comes to us from the spiritual connection we have to our lands and waters and from the spiritual power of Creation. This spiritual connection is not subject to European legal standards. Our sovereignty is based on truth, and no laws or agreements can change that fact.

Europeans are a collection of peoples long ago disconnected from a spiritual relationship to life, therefore we cannot expect that they would understand our interpretation of sovereignty. Yet, even by their own laws we are sovereign nations, based on the fact, that:

- We have inherent titles to territory
- We are a permanent population in that territory
- We have unique spiritual belief systems
- We have distinct languages
- We have easily identifiable forms of government
- We have the capacity for international relations

These are the key criteria required for a sovereign entity to be the subject of international law. It is only through the efforts of the colonizer that our forms of government have been weakened. Seeing ourselves as Indians, Tribes, Band Councils, or First Nations is how the colonizer wants us to see ourselves. The colonizer has worked very hard to make sure that we become as confused as possible about who we are.

## CHARACTERS, ATTITUDES & SPIRIT OF THE WOLASTOQIYIK

- Wolastoqiyik were the earth's gentlemen/women.
- They had strong character.
- There were none more kind or generous.
- Our language reflected how mild and easy-going our people were. When speaking together the language sounded melodious and gentle; to the west we were known as the singing people.
- Survival depended on relationships that were united and bound together through caring, sharing, respect, and honesty.
- Humor and storytelling were great assets our people had for maintaining strong relationships.

Before European contact, Wolastoqiyik were a happy and contented people, living in seasonal cycles of migratory hunting, fishing, and gathering food and medicines.

Our traditional territory was good to our people. We had full and plenty lives and all we had to do was say thank you.

There were hard times and severely cold weather during winter months, but we knew how to survive in our own land, guided spiritually by our ancestors as well as the many spirit guides who walk among us.

## CIVILIZATIONS & SOCIETIES

Contrary to popular European belief, Indigenous Peoples had very sophisticated civilizations.

We developed skills to utilize our natural resources far superior to the newcomers, who learned from us but neglected to give us any credit.

Example: Our knowledge of medicines: We knew about cures for many illnesses experienced here before the coming of the white man, at a time that they were selling snake oil. But, we had no cures for diseases brought by the invasion and we had no immunity against even the common cold. Many people died.

We had societies such as the medicine people known as the Metewlan — spiritual leaders who carried the knowledge of how to administer the healing ceremonies and medicines. The Metewlan were demonized, misrepresented, and feared by the churches, until the majority of our own people became Christianized and turned against them.

A society is the association of people who have a similar culture, beliefs, and institute a circle of common values and behaviours.

# Two World Views & Colonization:

## FIRST NATIONS ELDER PERSPECTIVE

Yes, Indigenous nations were civilized societies of human beings.

We were kind, generous, happy, and hard-working with a deep spiritual connection to the earth and all other life forms within our traditional homelands.

Chiefs had no power over the people —they knew and understood true democracy.

### SYMBOLS

Every Nation of people has its symbols, which have meaning and identify for the people and their territory.

The Wolastoqwey symbols are many and some are used to identify the Eastern Wabanaki of which the Wolastoqwey are a part.

Penobscot, Passamaquoddy, Mik'maq, and Abanaki are specifically identified by their versions of the double curve motifs.

These symbols were carved into wood, birch bark and stone, embroidered and beaded into various items of leather and cloth, etc.

### PART 2: COLONIZATION

### COLONIZATION

In the beginning, in 1447, the Pope issued a Papal Bull legitimizing the slave trade. Three

years later he broadened the licence from stealing people, to stealing lands and goods as well. This European declaration of war on the world, unleashed an unprecedented wave of genocidal behaviours, commanded by the Christian states.

In 1492, three European ships under the command of Christopher Columbus arrived on the shores of what has come to be called the Americas. With this began an invasion, occupation, and colonization that would forever change the world of Indigenous Peoples living here - a war aimed at initiating the destruction of the Indigenous Peoples, the occupation of their territories, and the plundering of the natural wealth and health of their beloved territories.

“Explorers and privateers of courage, and resourcefulness, conquering the world for the honour and privilege of their kindly kings and queens; a beautiful fairy tale.”

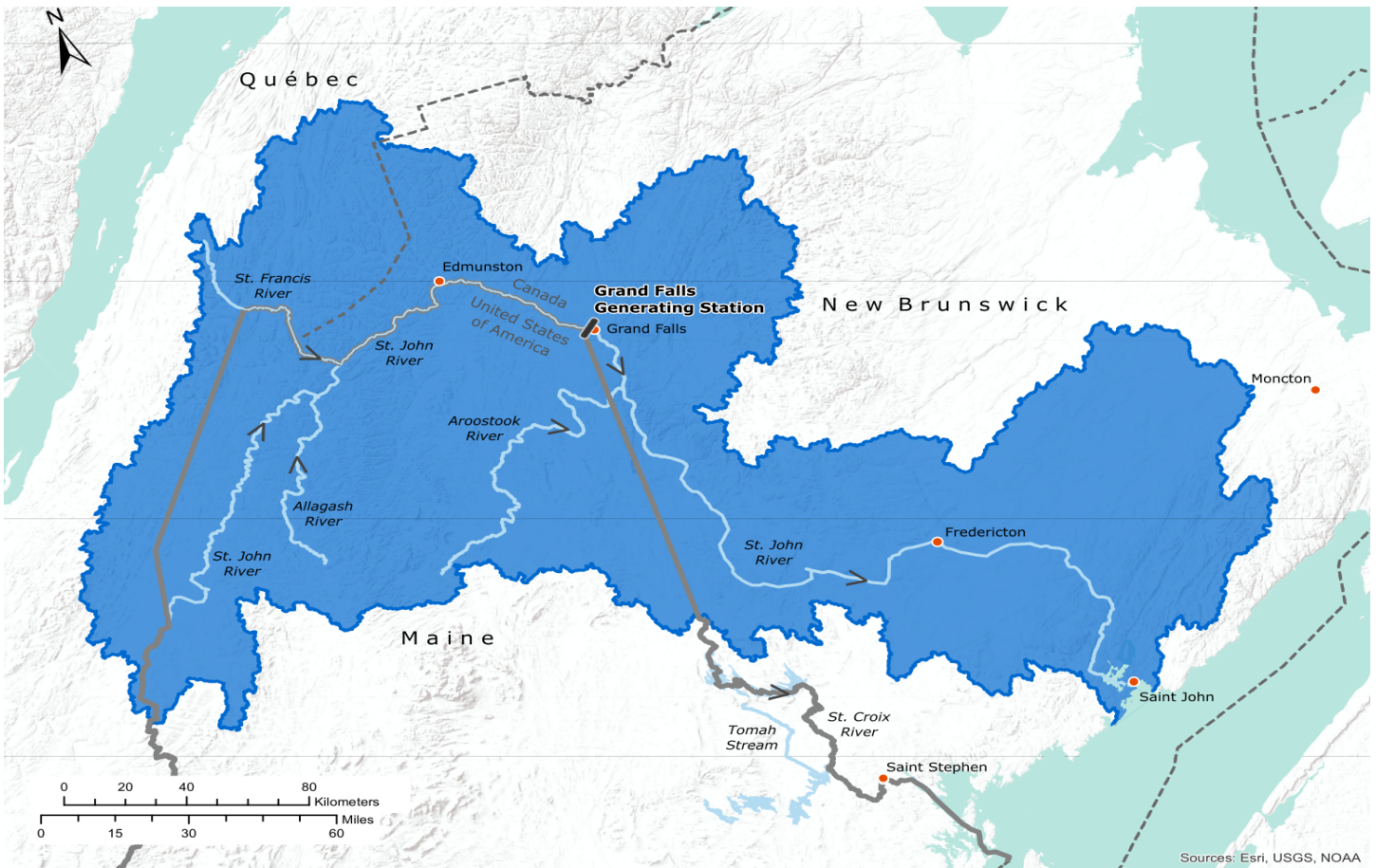
When we read this history, we do not see a fairy tale of noble courageous explorers with resourceful intentions for the honour and privilege of their Kings and Queens; we see invaders, thieves, enslavers, and rapists - which in fact, is what the evidence shows: a premeditated crime.

A systematic campaign of genocide and colonization was waged against the Indigenous Peoples by European colonizers. Almost identical campaigns were being carried out in Africa and other parts of the world.

Western society continues blindly, ignorantly, and intentionally to follow its present course of action. With a superior attitude, they are determined to assimilate Indigenous people into their processes.

European colonizers knew the things that gave us strength to resist colonization. These are, to name a few:

- Our way of life
- Our nations
- Our extended family concepts
- Our spirituality
- Our connection to life
- Our world view
- Our relationship to our lands and waters



# Two World Views & Colonization: FIRST NATIONS ELDER PERSPECTIVE

The common purpose of this Western society—which is based on Colonization, the subjugation of Indigenous Peoples, and the occupation of Indigenous lands—is to take and exploit the natural resources and treasures of the earth, of which profit and material gain is the main goal.

This society has given no consideration to, or is ignorant of or indifferent to, the negative and destructive effects upon the Indigenous Peoples, their lands, or even the earth itself.

In this society, the “ruling class” is the segment of society which maintains a superior and dominant position in political and economic classes. These are the people who own and control vast corporations, and/or are the heads of state who influence economics and political decisions directed toward their own interest.

## THE WESTERN HIERARCHY: POWER & CONTROL

The power is at the top of the hierarchy and allows a few to control the masses.

To be successful within this western world-view, one must plug into the economy and compete with others to get to the top.

The accumulation of wealth and material things is how success is measured by individuals, nuclear families, communities, provinces, and countries.

This life is based on competition, war, aggression, power, and delegated authority from the top down.

- Doctrine of Discovery
- Delegated authority
- Power and control
- Colonization - genocide
- Racism/discrimination

Somewhere in the west a long time ago philosophers sat around contemplating life and somehow came up with the idea that everything in the natural world was in a hierarchy. They began to create a man-made world based on this observation.

They placed their God at the top of the hierarchy ( -above all else – all mighty – and only good according to themselves ).

They created the opposite or opposing side of their new world view by creating the concept of the devil, or the idea of evil, which would be the flip side of God.

In this world view the power is at the top of the hierarchy such as the King, Pope, President, Executives, etc. This allows a few to control the masses.

## GENOCIDE

The Indian Bands or Reserves were used as laboratories for our colonization, training, and conversion to European values, systems, religion, and ways of life. Every aspect of Indian life was controlled by the Government-Minis-



ter of Indian & Northern Affairs Canada, priests and the RCMP.

The reservations were minimum security institutions. Even though the colonizer had military might and control in that sense, they:

- Proceeded to destroy our being
- Negated our true identity
- Destroyed our ways of life
- Systematically dismantled us as Original Nations
- Used the treaties of peace and friendship in their strategies for controlling us.
- Waged a total systematic campaign of genocide was waged against Indigenous nations by European colonizers, which continues to this day

## COLONIZATION & WAR

In the theatre of war, all the elements of national power are used, such as:

- diplomacy
- military force
- economics
- ideology
- technology
- culture

All the elements of war have been used by the Canadian State against Indigenous peoples here and around the world.

## EFFECTS OF WAR & COLONIZATION

These are normal human responses to painful and extraordinary human experiences.

- Feelings of inferiority
- Having little progress toward addressing the oppressed condition
- Create conditions for self sabotage and/or self-destruction.
- Intergenerational violence and abuse
- Frustrated and angry, Indigenous people harbour a hostile attitude toward white people, while grasping at the crudest and most simplistic formula for understanding their own oppression.

Conditions that keep us oppressed do not change, because the Government actively prevents any movement towards any fundamental changes to its system. This prevents even the thought that change is necessary or possible.

- The highest rates of suicide in the country
- The highest infant mortality rate
- The lowest life expectancy
- Disproportionately high rates of AIDS, cancer, addictions, imprisonment
- Lowest levels of income
- Tens of thousands of children taken from their families, their people, their communities and fostered out to non-Indigenous family units.
- Intergenerational patterns of abuse in the community resulting from the legacy of residential school and the foster care systems.

## Two World Views & Colonization: FIRST NATIONS ELDER PERSPECTIVE

### MISSING AND MURDERED INDIGENOUS WOMEN

- Missing and Murdered Indigenous Women and Girls
- Lateral Violence
- Human Trafficking
- Family Violence



### TWO WORLD VIEWS & COLONIZATION: CONCLUSION

"My view is if we continue to ignore what society is doing to Indigenous people in terms of poverty, the education failure rates and I'm not talking about the individuals who are failing, I'm talking about the education system is failing and the child welfare rates, we will likely be creating a population of young Indigenous people who will be prone to thinking about acting out violently against society."

"There's a social philosopher by the name of Frantz Fanon who wrote in 1948 that when you have a colonized people, who have been oppressed by one society, first of all, they tend to submit to the colonization, oppression, but then when they start to recognize what they're experiencing they will resist but when that resistance is quashed then they will start to take out their frustrations upon themselves so the high rates of personal abuse grow,"

-Senator Murray Sinclair

# Kunnuk (E7-1615) Takpanie Inuk Elder

## INUIT ORIGINS

Inuit mythology of creation involves giants and dwarfs, and people who could transform into animals or spirits.

## THE EARLY YEARS: IGLOOLIK AREA, 1922

There was once a world before this, and in it lived people who were not of our tribe. But the pillars of the earth collapsed, and all were destroyed. And the world was emptiness. Then two men grew up from a hummock of earth. They were born and fully grown all at once.

And they wished to have children. A magic song changed one of them into a woman, and they had children. These were our earliest forefathers, and from them all the lands were peopled.

## BERING STRAIT: THE LAND BRIDGE THEORY

The land bridge theory proposes that people migrated from Siberia to Alaska across a land bridge that spanned the current-day Bering Strait.

Tuniit, or Dorset People (5,000 to 1,000 years ago)

Tuniit were the first to cross the Bering Strait into the western Arctic, Nunavut, and down the coasts of Greenland and Labrador.

'Dorset' is named after Cape Dorset in Nun-

avut, Canada where the first evidence of their existence was found! Tuniit brought with them the bow and arrow, and finely tailored animal skin clothing.

Until about 1,000 years ago, the Tuniit were the sole occupants of most of arctic Canada.

Thule, the ancestral Inuit (1,000 to 500 years ago)

Early Inuit are called Thule and they had communities along coasts from Alaska, then spreading towards Canada and Greenland replacing Tuniit.

They were more advanced than Tuniit. Thule advanced tools and weapons include kayaks, large umiat (skin-covered boats) that could transport an entire camp, throwing-harpoons attached to floats that were used to hunt bowhead whales.

## INUIT HISTORY (WITHIN THE LAST 500 YEARS)

European fishermen, explorers, whalers, and traders started travelling into Inuit homelands, and had a growing European influence on traditional Inuit ways of life.

## CHANGES IN THE ARCTIC

Guns, clothes, metal, tools and utensils, musical instruments and dances, alcohol and tobacco, disease, and new genes were introduced to Inuit in recent history and had large impacts.

# Kunnuk (E7-1615) Takpanie Inuk Elder

## MISSIONARIES

The bible was translated into a newly created writing system called syllabics by an Anglican missionary named Edmund James Peck, who also established Baffin Island's first permanent church in 1894.

Introduction to a new belief system also played a large role in Inuit lives.

## CANADA IMPOSES CHANGE

The dog slaughter, and the introduction of permanent homes changed the way that Inuit had lived and largely impacted their lifestyle.

Residential and Day Schools:

"Two primary objectives of the Residential Schools system were to remove and isolate children from the influence of their homes, families, traditions and cultures, and to assimilate them into the dominant culture. These objectives were based on the assumption Aboriginal cultures and spiritual beliefs were inferior and unequal."

- Stephen Harper, June 2008

Tuberculosis:

A tuberculosis epidemic swept across the Arctic, and soon a vast number of Inuit were evacuated from their communities to southern Canada for treatment.

## TODAY'S OBSTACLES FOR INUIT

- Housing Crisis
- Mental Health & Addictions

## TODAY'S AMBITIONS FOR INUIT

- Education and Language
- Food Security

## HEALING

"The federal government also pledges to continue funding programs with Inuit Tapiriit Kanatami, such as \$50 million over 10 years for the Inuit Suicide Prevention Strategy, which was first announced in 2016. That is the exact figure Inuit Tapiriit Kanatami asked for in its pre-budget submissions."

-CBC News, March 19, 2019



# Métis History

## ETHNOGENESIS

- Children of the fur trade and marriages between Indian (usually Ojibway, Cree, or Dene) women and the Voyageurs (usually French or Scottish fur traders).
- Successive generations of intermarriage created a unique culture
- Ethnogenesis {the birth of a culture} between 1790 and 1820

## DEVELOPMENT OF THE HOMELAND

The Métis homeland is extensive and includes dozens of historic communities in Western Canada, northwest Ontario, Northwest Territories, Montana, and North Dakota. Many of these communities are well-known, such as Winnipeg, Batoche, Prince Albert, and Sault-Saint-Marie.

In this, the Métis society is similar to many hunter/gatherer and trader societies. Particularly the Inuit, Dene and Cree.

It was not geographically centered on a single fixed settlement.

The historic Métis society was characterized by overlapping and multiple bonds, especially those of kinship and trade. Their high degree of mobility sustained that economy. They moved in and out of many settlements and they migrated to various parts of the North West over time.

## FUR TRADE

The Métis began making a living as trappers by the end of the 1700s. They sold furs to three fur trade companies: Hudson's Bay Company, the North West Company, and the American Fur Company.

The Métis, who are sometimes considered "children of the fur trade," became skilled hunters and trappers as well.

Métis women were integral to the fur trade. They were sought after as marriage partners for fur trade managers because of their kinship ties to local First Nations and Métis,

- Their work was vitally important, as they provided food such as garden produce, berries, fish, and game to the fur trade posts. They also made and sold hand-worked items such as sashes and quilts.



# Métis History

## ASSERTION OF MÉTIS RIGHTS RED RIVER RESISTENCE

During the Red River Resistance of 1869-70, the Métis formed a provisional government and negotiated Manitoba's entry into Confederation.

The resistance began as a response to the largest land sale in history. In 1869, Hudson's Bay Company sold Rupert's Land to the Dominion of Canada for \$1.5 million without consulting its Indigenous residents.

The Métis in what is now Manitoba were surprised at this attempted transfer of their homeland and felt that HBC did not possess the right to sell the territory without consultation or consent.

## ASSERTION OF MÉTIS RIGHTS NORTHWEST RESISTENCE

- The seeds of the 1885 Northwest Resistance began as early as the 1870s, with the lack of Métis representation in the government of the Northwest Territories.
- Even after representation was granted in the 1880s, the Métis remained frustrated that the federal government did not address their many petitions regarding their lack of formal title to their lands and their desire for proper political representation.
- Battle of Duck Lake (March 25-26, 1885)

- Battle of Tourond's Coulee / Fish Creek (April 24, 1885)
- Battle of Batoche (May 9-12, 1885)
- Execution by hanging of Louis Riel (November 16, 1885)

## ROAD ALLOWANCE PEOPLE

After the 1885 Northwest Resistance, many displaced, landless Métis squatted on Crown land set aside for the creation of roads in parts of the Prairie provinces of Alberta, Saskatchewan, and Manitoba. This Crown land became known as "li shmaen dii liings" in Michif.

Métis "squatting communities" could be found along road allowances or railways, marginal patches of land such as hillsides, edges of First Nations reserves, along city or town fringes, near garbage dumps, in the northern bush or in unsettled parkland areas, and along provincial and federal forests. In these locations, the Métis risked being further displaced by government authorities.



## MÉTIS: INVISIBLE PEOPLE

All Métis, whether they participated in the 1885 Northwest Resistance or not, would face some very difficult choices about their place in this new society.

Although only a few hundred Métis took up arms, the region's Métis were stigmatized as "rebels." This stigma of being labelled "rebels" or "traitors," as well as facing unending racism for being Indigenous, forced many Métis, over several generations, to hide or deny their identity.

Following the 1885 Northwest Resistance, the vast influx of non-Aboriginal settlers and the failure of the scrip system greatly disrupted the Métis' traditional lifestyles.

## MÉTIS FIGHT FOR CONSTITUTIONAL RIGHTS

In 1867, the federal government only recognized status First Nations as being under its jurisdiction. The *British North America Act* made the federal government responsible for the First Nations or "Indians" as they were once called.

The Métis were not recognized as an Indigenous people even though the *Manitoba Act* indicated that the Métis were Indigenous and the Métis were to have their Indigenous rights recognized through a land grant.

For many years, the Métis were caught in a jurisdictional limbo – neither the federal government nor the provinces claimed them as their responsibility.

The Métis' constitutional status changed in 1982 when Daniels successfully led an effort to include the Métis as one of Canada's Aboriginal Peoples in the *Constitution Act*.

## POWLEY AND DANIELS

**Powley:** "The inclusion of the Métis in s. 35 represents Canada's commitment to recognize and value the distinctive Métis cultures, which grew up in areas not yet open to colonization, and which the framers of the *Constitution Act, 1982* recognized can only survive if the Métis are protected along with other aboriginal communities." *R. v. Powley*,

**Daniels:** On April 14, 2016, the Supreme Court upheld the earlier Federal Court ruling that established that the Métis and Non-Status Indians are "Indians" for the purposes of Section 91 (24). *Daniels v. Canada (Indian Affairs and Northern Development)*

## MOVING TOWARDS MÉTIS SELF-DETERMINATION

The Métis Nation of Ontario, the Métis Nation of Alberta, and the Métis Nation-Saskatchewan signed self-government agreements in 2019.

The Manitoba Métis Federation is in negotiations for a self-government agreement.

The Métis Nation of the Northwest Territories has signed an Agreement in Principle

## TERRA NULLIUS AND THE DOCTRINE OF DISCOVERY

“Doctrine of Discovery” is decreed

The papal bull *Inter Caetera*—the “Doctrine of Discovery”—is decreed a year after Christopher Columbus’ first voyage to America. Made without consulting Indigenous populations nor with any recognition of their rights, it is the means by which Europeans claim legal title to the “new world.”

Harmful encounters for Indigenous women and gender-diverse people in what is now called Canada started with 16th-century “explorers,” who used *terra nullius* and the Doctrine of Discovery to dismiss them as savages and claim rights to the land. Early Christian missionaries then challenged Indigenous women’s leadership and Indigenous notions of gender.

In 1493, in response to a request by the King and Queen of Spain, Pope Alexander VI issued a “papal bull” or solemn declaration from the Vatican. Known as the Doctrine of Discovery, it was used with the concept of *terra nullius* to justify colonial nations’ right to claim land “discovered” by their explorers. It granted Spain the right to conquer any lands its explorers discovered, and it stopped non-Christians from owning land.

These European ideas and documents ignored the fact that the lands of Turtle Island had been used by Indigenous Peoples for thousands of years for hunting, trapping, fishing, travelling, and more they also failed to acknowledge that Indigenous Peoples on Turtle Island were living in thousands of distinct societies that formed hundreds of nations with languages, cultures, systems of governance, and trade relations unique to them.

From 1650 to 1815 there was a “middle ground” period, where First Nations held a fairly even distribution of power with the Europeans, but Confederation in 1867 fundamentally changed this relationship.

## TREATIES SIGNED BETWEEN 1760 AND 1923

“The essence of the treaty was to create a nation together that will exist in perpetuity, for as long as the sun shines, the grass grows and the waters flow,” Anderson said. “The core concept is to share the traditional land of the First Nations who have entered into a treaty with the Crown and the Canadian settlers, and also to benefit from the Crown’s resources, such as medicine and education.”

But the text of the written treaties tells a whole other story. According to these documents, native groups surrendered all of their rights to the land in exchange for small reserves and meagre compensation.

For the British Crown, the treaties offered substantial benefits, such as:

- freeing up land for loyalists who had supported the British during the American War of Independence;
- advancing colonization in the West;
- providing agricultural land and natural and mineral resources.

Sometimes, aboriginal communities themselves sought treaties, because settler expansion had greatly diminished wildlife populations and they feared starvation.

These historical treaties cover present-day Ontario, Manitoba, Saskatchewan, Alberta, the Northwest Territories, and parts of Yukon and British Columbia.

In essence, the surrender of land rights was based on the concept of private property—an incomprehensible notion in aboriginal culture.



The treaties were negotiated in a matter of days, in English, with interpreters who were not always equal to the task. They were signed by aboriginal chiefs who generally could not read English and who had not been advised by anyone. Often, the negotiation process did not respect the community's hierarchical structure.

On several occasions, aboriginal groups indicated that they wanted to continue hunting and fishing. The English negotiators led them to believe they would be able to do so. In reality, the treaty texts only allowed them to hunt on lands that were not occupied by white settlers, and also included regulations that could prohibit these activities during certain periods of the year.

To make themselves understood, the British used a language very different from that used in the treaty texts. Queen Victoria was referred to as "the Great White Mother," and the native people as her "Red Children."

Take, for example, this speech by commissioner David Laird, who negotiated Treaty 7 with the Blackfoot:

The Supreme Court of Canada has recognized the need to interpret the treaties in light of what was said before they were signed. "The treaties, as written documents, recorded an agreement that had already been reached orally and they did not always record the full extent of the oral agreement," reads the Badger judgment, handed down in 1996. This judgment states that it is necessary to interpret treaties "in the sense that they would naturally have been understood by the Indians at the time of the signing."

The land has been developed since the treaties were brought into effect. Some of it has been turned into immense wheat fields. The subsurface is rich in oil, uranium, copper, gold, and diamonds, which are lining the pockets of oil and mining companies. Forests feed the lumber and pulp and paper industries.

The First Nations living in these areas maintain

that their ancestors would never have surrendered their rights to the land and its resources. They continue to hope that the dialogue started at the time of the original negotiations will be continued.

Once again, the Supreme Court can play an important role. Two judgments rendered in 2004 (Haida and Taku River Tlingit) ruled that the government must consult with Aboriginal Peoples when their ancestral rights could be undermined by development, and must accommodate them, if applicable. These ancestral rights are tied to the practices, traditions, and customs of aboriginal societies before contact with the Europeans.

## ROYAL PROCLAMATION 1763

Royal Proclamation, 1763

### WHAT IS THE ROYAL PROCLAMATION?

The Royal Proclamation is a document that set out guidelines for European settlement of Aboriginal territories in what is now North America. The Royal Proclamation was initially issued by King George III in 1763 to officially claim British territory in North America after Britain won the Seven Years War. In the Royal Proclamation, ownership over North America is issued to King George. However, the Royal Proclamation explicitly states that Aboriginal title has existed and continues to exist, and that all land would be considered Aboriginal land until ceded by treaty. The Proclamation forbade settlers from claiming land from the Aboriginal occupants, unless it has been first bought by the Crown and then sold to the settlers. The Royal Proclamation further sets out that only the Crown can buy land from First Nations.

Most Indigenous and legal scholars recognize the Royal Proclamation as an important first step toward the recognition of existing Ab-

original rights and title, including the right to self-determination. In this regard, the Royal Proclamation is sometimes called “the Indian Magna Carta.” The Royal Proclamation set a foundation for the process of establishing treaties. For example, treaty-making typically involved, presence of both parties – the First Nation and the government – for there to be some form of consent between the two, and for the First Nation to be compensated for any lands or resources taken. However, the Royal Proclamation was designed and written by British colonists without Aboriginal input, and clearly establishes a monopoly over Aboriginal lands by the British Crown.

### IS THE ROYAL PROCLAMATION STILL VALID?

Some argue that the Royal Proclamation is still valid in Canada, since no law has overruled it.<sup>1</sup> The Royal Proclamation is enshrined in Section 25 of the *Constitution Act*, this section of the Charter of Rights and Freedoms guarantees that nothing can terminate or diminish the Aboriginal rights outlined in the Proclamation. The Royal Proclamation also applied to the United States; however, American independence from Great Britain after the Revolutionary War rendered it no longer applicable. The United States, however, eventually created its own similar law in the Indian Intercourse Acts.

Despite arguments that the Proclamation is still valid, Aboriginal Peoples continually have had to prove their existing title to the land through legal disputes. In British Columbia in particular, this issue has been of prime concern amongst Aboriginal groups. The vast majority of the province has never been ceded by its Aboriginal Peoples, resulting in the argument that non-Aboriginal settlement in B.C. is on stolen land. The Province of British Columbia has maintained that the Royal Proclamation does not apply to B.C. since it had not yet been settled by the British when

the Proclamation was issued in 1763.<sup>2</sup> This perspective is greatly disputed amongst government officials, academics, and the public, some who claim that the Proclamation would have applied to B.C. when British sovereignty was established in the province.

### WHAT DOES THE ROYAL PROCLAMATION SAY?

The following is an excerpt from the Royal Proclamation of 1763 that deals specifically with Aboriginal Peoples:

And whereas it is just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds – We do therefore, with the Advice of our Privy Council, declare it to be our Royal Will and Pleasure, that no Governor or Commander in Chief in any of our Colonies of Quebec, East Florida. or West Florida, do presume, upon any Pretence whatever, to grant Warrants of Survey, or pass any Patents for Lands beyond the Bounds of their respective Governments. as described in their Commissions: as also that no Governor or Commander in Chief in any of our other Colonies or Plantations in America do presume for the present, and until our further Pleasure be known, to grant Warrants of Survey, or pass Patents for any Lands beyond the Heads or Sources of any of the Rivers which fall into the Atlantic Ocean from the West and North West, or upon any Lands whatever, which, not having been ceded to or purchased by Us as aforesaid, are reserved to the said Indians, or any of them.

And We do further declare it to be Our Royal Will and Pleasure, for the present as aforesaid, to reserve under our Sovereignty, Protection, and Dominion, for the use of the said Indians, all the Lands and Territories not included within the Limits of Our said Three new Gov-

ernments, or within the Limits of the Territory granted to the Hudson's Bay Company, as also all the Lands and Territories lying to the Westward of the Sources of the Rivers which fall into the Sea from the West and North West as aforesaid.

And We do hereby strictly forbid, on Pain of our Displeasure, all our loving Subjects from making any Purchases or Settlements whatever, or taking Possession of any of the Lands above reserved, without our especial leave and Licence for that Purpose first obtained.

And We do further strictly enjoin and require all Persons whatever who have either wilfully or inadvertently seated themselves upon any Lands within the Countries above described. or upon any other Lands which, not having been ceded to or purchased by Us, are still reserved to the said Indians as aforesaid, forthwith to remove themselves from such Settlements.

And whereas great Frauds and Abuses have been committed in purchasing Lands of the Indians, to the great Prejudice of our Interests. and to the great Dissatisfaction of the said Indians: In order, therefore, to prevent such Irregularities for the future, and to the end that the Indians may be convinced of our Justice and determined Resolution to remove all reasonable Cause of Discontent, We do, with the Advice of our Privy Council strictly enjoin and require, that no private Person do presume to make any purchase from the said Indians of any Lands reserved to the said Indians, within those parts of our Colonies where We have thought proper to allow Settlement: but that, if at any Time any of the Said Indians should be inclined to dispose of the said Lands, the same shall be Purchased only for Us, in our Name, at some public Meeting or Assembly of the said Indians, to be held for that Purpose by the Governor or Commander in Chief of our Colony respectively within which they shall lie: and in case they shall lie within the limits of any Proprietary Government, they shall be purchased only for the Use and in the name of such Proprietaries, conformable to such

Directions and Instructions as We or they shall think proper to give for that Purpose: And we do, by the Advice of our Privy Council, declare and enjoin, that the Trade with the said Indians shall be free and open to all our Subjects whatever, provided that every Person who may incline to Trade with the said Indians do take out a Licence for carrying on such Trade from the Governor or Commander in Chief of any of our Colonies respectively where such Person shall reside, and also give Security to observe such Regulations as We shall at any Time think fit, by ourselves or by our Commissaries to be appointed for this Purpose, to direct and appoint for the Benefit of the said Trade:

And we do hereby authorize, enjoin, and require the Governors and Commanders in Chief of all our Colonies respectively, as well those under Our immediate Government as those under the Government and Direction of Proprietaries, to grant such Licences without Fee or Reward, taking especial Care to insert therein a Condition, that such Licence shall be void, and the Security forfeited in case the Person to whom the same is granted shall refuse or neglect to observe such Regulations as We shall think proper to prescribe as aforesaid.

And we do further expressly conjoin and require all Officers whatever, as well Military as those Employed in the Management and Direction of Indian Affairs, within the Territories reserved as aforesaid for the use of the said Indians, to seize and apprehend all Persons whatever, who standing charged with Treason, Misprisions of Treason, Murders, or other Felonies or Misdemeanors, shall fly from Justice and take Refuge in the said Territory, and to send them under a proper guard to the Colony where the Crime was committed, of which they stand accused, in order to take their Trial for the same.

Given at our Court at St. James's the 7th Day of October 1763, in the Third Year of our Reign.

GOD SAVE THE KING

# INDIAN ACT

## INTRODUCTION TO THE *INDIAN ACT*

To be federally recognized as an Indian either in Canada or the United States, an individual must be able to comply with very distinct standards of government regulation... The *Indian Act* in Canada, in this respect, is much more than a body of laws that for over a century have controlled every aspect of Indian life. As a regulatory regime, the *Indian Act* provides ways of understanding Native identity, organizing a conceptual framework that has shaped contemporary Native life in ways that are now so familiar as to almost seem “natural.”

–Bonita Lawrence<sup>1</sup>

You can read the *Indian Act* online, at <http://laws-lois.justice.gc.ca/eng/acts/i-5/>

The *Indian Act* is a Canadian federal law that governs in matters pertaining to Indian status, bands, and Indian reserves. Throughout history it has been highly invasive and paternalistic, as it authorizes the Canadian federal government to regulate and administer in the affairs and day-to-day lives of registered Indians and reserve communities. This authority has ranged from overarching political control, such as imposing governing structures on Aboriginal communities in the form of band councils, to control over the rights of Indians to practise their culture and traditions. The *Indian Act* has also enabled the government to determine the land base of these groups in the form of reserves, and even to define who qualifies as Indian in the form of Indian status

While the *Indian Act* has undergone numerous amendments since it was first passed in 1876, today it largely retains its original form.

The *Indian Act* is administered by Indian and Northern Affairs Canada (INAC), formerly the

Department of Indian Affairs and Northern Development (DIAND). The Indian Act is a part of a long history of assimilation policies that intended to terminate the cultural, social, economic, and political distinctiveness of Aboriginal peoples by absorbing them into mainstream Canadian life and values.

## THE ORIGINS OF THE *INDIAN ACT*: A HISTORY OF OPPRESSION AND RESISTANCE

The *Indian Act* came to be developed over time through separate pieces of colonial legislation regarding Aboriginal Peoples across Canada such as the *Gradual Civilization Act* of 1857 and the. In 1876, these acts were consolidated as the *Indian Act*.

“The great aim of our legislation has been to do away with the tribal system and assimilate the Indian people in all respects with the other inhabitants of the Dominion as speedily as they are fit to change.”

– John A Macdonald, 1887

The *Gradual Civilization Act*, passed in 1857, sought to assimilate Indian people into Canadian settler society by encouraging enfranchisement. In this sense the Act was a failure, as only one person voluntarily enfranchised.<sup>2</sup> By 1869, the federal government had created the *Gradual Enfranchisement Act* which established the elective band council system that remains in the Indian Act to this day.

The *Gradual Enfranchisement Act* also granted the Superintendent General of Indian Affairs extreme control over status Indians. For example, the Superintendent had the power to determine who was of “good moral character” and therefore deserve certain benefits, such as deciding if the widow of an enfranchised Indian “lives respectably” and could therefore keep her children in the event of the father’s death. The Act also severely restricted the governing powers of band councils, regulated alcohol consumption and determined who would be eligible for band and treaty benefits. It also marks the beginning of gender-based

restrictions to status. For a closer look as to why this is, see our section on the marginalization of Aboriginal women. For a more specific look at the process of excluding women from their status rights in the Indian Act, read Chapter 9, "The Indian Act," in Volume I of the Royal Commission on Aboriginal Peoples.)

The confederation of Canada presented the federal government with the challenge of uniting distinct and separate Aboriginal groups under one law. Therefore, despite the diversity of experiences and relationships between Aboriginal Peoples and settlers across the country, including strong military and economic alliances in certain regions, Confederation established a very different relationship between these two groups by disregarding the interests and treaty rights of Aboriginal Peoples and uniformly making them legally wards of the state. Systems of control that had been established in prior legislation were now newly defined under one act, the *Indian Act* of 1867. This Act effectively treated Aboriginal people as children—a homogenizing and paternalistic relationship.

Since the first pieces of legislation were passed, Aboriginal Peoples have resisted oppression and sought active participation in defining and establishing their rights. Early on, Aboriginal leaders petitioned colonial leadership, including the Prime Minister and the British monarchy, against oppressive legislation and systemic denial of their rights. The legislation against Aboriginal Peoples did not stop Aboriginal practices but in most cases drove them underground, or caused Aboriginal peoples to create new ways of continuing them without facing persecution.

[https://indigenousfoundations.arts.ubc.ca/the\\_indian\\_act/](https://indigenousfoundations.arts.ubc.ca/the_indian_act/)

## WHAT ARE INDIAN RESERVES?

Map of Indian reserves in British Columbia, courtesy of Natural Resources Canada. An Indian reserve is a tract of land set aside un-

der the *Indian Act* and treaty agreements for the exclusive use of an Indian band. Band members possess the right to live on reserve lands, and band administrative and political structures are frequently located there. Reserve lands are not strictly "owned" by bands but are held in trust for bands by the Crown. The *Indian Act* grants the Minister of Indian Affairs authority over much of the activity on reserves. This overarching control is evident in the *Indian Act's* definition of Indian reserves:

Reserves are held by Her Majesty for the use and benefit of the respective bands for which they were set apart, and subject to this Act and to the terms of any treaty or surrender, the Governor in Council may determine whether any purpose for which lands in a reserve are used or are to be used is for the use and benefit of the band.

The *Indian Act* further sets out the degree of control and authority that the Minister of Indian Affairs has over the use of reserve lands. For example, the *Indian Act* states that "no Indian is lawfully in possession of land in a reserve," and that the Minister must approve any certificates of possession or similar forms of property ownership for on-reserve band members. The *Indian Act* further states that "the Minister may, in his discretion, withhold his approval and may authorize the Indian to occupy the land temporarily and may prescribe the conditions as to use and settlement that are to be fulfilled by the Indian before the Minister approves of the allotment."

You can read the *Indian Act* and its regulations over reserves online here:

[http://laws-lois.justice.gc.ca/eng/acts/i-5/.](http://laws-lois.justice.gc.ca/eng/acts/i-5/)

## CREATION OF THE RESERVE SYSTEM

Precursors to the modern reserve system existed in Canada prior to Confederation and

the *Indian Act* as products of the colonial drive to “civilize” Aboriginal peoples by introducing them to agriculture, Christianity and a sedentary way of life based on private property. As early as 1637, French missionaries had been entrusted by their church with lands to be set aside for their Indian charges. At Sillery in New France (now part of the Canadian province of Quebec), these settlements were created with the intention to encourage Aboriginal Peoples to adopt Christianity.<sup>1</sup> These first experiments would become a rough model for subsequent reserves in Canada.

Non-Aboriginal settlement of what is now Canada expanded as the British gained control of French colonies and the Dominion of Canada was formed in 1867. Newcomers began occupying the traditional territories of Aboriginal Peoples in increasing numbers (some with the financial assistance of their governments). Colonial authorities and some Aboriginal people viewed the creation of reserves as a pragmatic solution to land disputes and conflicts between Aboriginal Peoples and settlers. Reserve creation was not initially overseen by a central authority or administered by a central policy, and so practices varied between regions. In some cases, the Canadian government allotted Crown land for the purposes of forming of a reserve, whereas in other cases the Crown purchased private land to convert into reserves. At other times, the government entrusted missionaries with establishing reserves on designated Crown lands for the peoples they were working with.<sup>2</sup>

In Ontario, treaties reached with Aboriginal Peoples in the 19th century, such as the Robinson treaties, included provisions for the creation of reserves. Under these treaties, Aboriginal groups agreed to share lands and resources with settlers in exchange for, among other things, the guarantee that traditional activities such as hunting and fishing would con-

tinue undisturbed. The Aboriginal signatories of these treaties understood that the lands would be shared and their practices respected, not that they would be confined within a small allotment indefinitely. (For more on this, see the Royal Commission of Aboriginal Peoples, “Differing Assumptions and Understandings” in *Looking Forward Looking Back*, 1996.)

Colonial agents frequently insisted that a prime motive for establishing the reserve system was to encourage Aboriginal Peoples to adopt agriculture. Yet many Aboriginal peoples found themselves displaced to lands generally unsuitable for agriculture, such as rocky areas with poor soil quality or steep slopes. Meanwhile, settlers were quickly securing the most fertile lands for themselves. (Ironically, years later, government agents would use First Nations’ minimal agricultural production—further hindered by discriminatory legislation that outlawed selling produce or livestock produced on the reserve—to justify reducing reserve lands even further.) By the time government authorities began to create reserves in British Columbia in the 1850s, it became apparent that the underlying motive for setting aside small tracts of land for Aboriginal Peoples was to make available to newcomers the vast expanses of land outside reserve borders.

## RESERVES AND TRADITIONAL TERRITORY

A reserve is not to be confused with a First Nation’s traditional territory. Although reserve borders were imposed on First Nations, many First Nations have continued hunting, gathering, and fishing in off-reserve locations that they have used for many generations. In addition, important ceremonial sites may be located outside a reserve but continue to be significant for a band’s cultural and spiritual practices. When a First Nation describes its traditional territory, it is describing this larger land base that it has occupied and utilized for many generations, before reserve borders were imposed and drawn on maps. When a First Nation expresses concern about impacts to its traditional territory, its members are likely referring to the far reaching consequences

for the nation's socio-economic, spiritual, and cultural health. When issues of Aboriginal title are discussed, this generally refers to the use and enjoyment of traditional territories.

The reserve system undermined Aboriginal peoples' relationship to their traditional territories but did not destroy it. As noted above, for many First Nations, off-reserve locations continue to serve as sites of economic, cultural, and spiritual practices. The relationship to traditional territory also remains significant for many First Nations who have lost access to it, even if they are unable to continue such practices in those locations.

Reserve acreage varied across the country. Treaties 1 and 2 allotted 160 acres per family of five, whereas Treaties 3 to 11 granted 640 acres per family of five. In British Columbia, reserves were considerably smaller, with an average of 20 acres granted per family. Methods for determining the location of a reserve also differed. Some treaties called for reserves near important waterways that were crucial to the survival of the band in question, and some bands were consulted about reserve location. Some reserves were created entirely outside a First Nation's traditional territory. Ultimately, many reserves are small and provide the respective bands with minimal resources or economic opportunities. Historian Keith Thor Carlson calls reserve creation in British Columbia, "the government's attempt to skirt its political and legal obligation to negotiate with Aboriginal people and to provide compensation for alienated land and resources. In effect, it was an effort to extinguish Aboriginal title through administrative and bureaucratic means."<sup>3</sup>

[https://indigenousfoundations.arts.ubc.ca/the\\_indian\\_act/](https://indigenousfoundations.arts.ubc.ca/the_indian_act/)

## 21 THINGS YOU MAY NOT KNOW ABOUT THE *INDIAN ACT*

The *Indian Act* has been a lightning rod for criticism and controversy over the years,

widely attacked by First Nations people and communities for its regressive and paternalistic excesses.

For example, status Indians living on reserves don't own the land they live on; assets on reserve are not subject to seizure under legal process, making it extremely difficult to borrow money to purchase assets; and matrimonial property laws don't apply to assets on reserve.

The Act has also been criticized by non-Aboriginal People and politicians as being too paternalistic and creating an unjust system with excessive costs that are considered uneconomical.

The *Indian Act* gave Canada a coordinated approach to Indian policy rather than the pre-Confederation piecemeal approach.

"The great aim of our legislation has been to do away with the tribal system and assimilate the Indian people in all respects with the other inhabitants of the Dominion as speedily as they are fit to change," stated John A. Macdonald, in 1887.

The Act imposed great personal and cultural tragedy on First Nations, many of which continue to affect communities, families and individuals today.

Here are 21 restrictions imposed at some point by the *Indian Act* in its 140 years of existence.

## THE INDIAN ACT:

1. Denied women status
2. Introduced residential schools
3. Created reserves
4. Renamed individuals with European names
5. Restricted First Nations from leaving reserve without permission from Indian agent
6. Enforced enfranchisement of any First Nation admitted to university
7. Could expropriate portions of reserves for roads, railways, and other public works, as well as move an entire reserve away from a municipality if it was deemed expedient
8. Could lease out uncultivated reserve lands to non-First Nations if the new leaseholder would use it for farming or pasture
9. Forbade First Nations from forming political organizations
10. Prohibited anyone, First Nation or non-First Nation, from soliciting funds for First Nation legal claims without special licence from the Superintendent General. (This 1927 amendment granted the government control over the ability of First Nations to pursue land claims.)
11. Prohibited the sale of alcohol to First Nations
12. Prohibited the sale of ammunition to First Nations
13. Prohibited pool hall owners from allowing First Nations entrance
14. Imposed the "band council" system
15. Forbade First Nations from speaking their native language

16. Forbade First Nations from practicing their traditional religion
17. Forbade western First Nations from appearing in any public dance, show, exhibition, stampe or pageant wearing traditional regalia
18. Declared potlatch and other cultural ceremonies illegal
19. Denied First Nations the right to vote
20. Created permit system to control First Nations ability to sell products from farms
21. Created under the British rule for the purpose of subjugating one race — Aboriginal Peoples

Major amendments were made to the Act in 1951 and 1985. In the 1951 amendments, the banning of dances and ceremonies, and the pursuit of claims against the government were removed. In the 1985, Bill C-31 was introduced. For more on this Bill, please see "Indian Act and Women's Status - Discrimination via Bill C31 and Bill C3"

## RESIDENTIAL SCHOOLS

MARCH 20, 1845  
INDIGENOUS PEOPLES

### Bagot Report

The Bagot Commission (1842-1844) report is presented to the Legislative Assembly. It proposes that separating Indigenous children from their parents is the best way to assimilate them into Euro-Canadian culture. The commission also recommends that the Mohawk Institute be considered a model for other industrial schools.



## RESIDENTIAL SCHOOLS

Residential schools for Aboriginal people in Canada date back to the 1870s. Over 130 residential schools were located across the country, and the last school closed in 1996. These government-funded, church-run schools were set up to eliminate parental involvement in the intellectual, cultural, and spiritual development of Aboriginal children.

During this era, more than 150,000 First Nations, Métis, and Inuit children were placed in these schools, often against their parents' wishes. Many were forbidden to speak their language and practice their own culture. While there is an estimated 80,000 former students living today, the ongoing impact of residential schools has been felt throughout generations and has contributed to social problems that continue to exist.

On June 11, 2008, the Prime Minister, on behalf of the Government of Canada, delivered a formal apology in the House of Commons to former students, their families, and communities for Canada's role in the operation of the residential schools.

## THE INDIAN RESIDENTIAL SCHOOLS SETTLEMENT AGREEMENT

With the support of the Assembly of First Nations and Inuit organizations, former residential school students took the federal government and the churches to court. Their cases led to the Indian Residential Schools Settlement Agreement, the largest class-action settlement in Canadian history. The agreement sought to begin repairing the harm caused by residential schools. Aside from providing compensation to former students, the agreement called for the establishment of the Truth and Reconciliation Commission of Canada with a budget of \$60 million over five years.

## THE TRUTH AND RECONCILIATION COMMISSION OF CANADA

The Truth and Reconciliation Commission of Canada has a mandate to learn the truth

about what happened in the residential schools and to inform all Canadians about what happened in the schools. The Commission will document the truth of what happened by relying on records held by those who operated and funded the schools, testimony from officials of the institutions that operated the schools, and experiences reported by survivors, their families, communities, and anyone personally affected by the residential school experience and its subsequent impacts.

The Commission hopes to guide and inspire First Nations, Inuit, and Métis peoples and Canadians in a process of truth and healing leading toward reconciliation and renewed relationships based on mutual understanding and respect.

The Commission views reconciliation as an ongoing individual and collective process that will require participation from all those affected by the residential school experience. This includes First Nations, Inuit, and Métis former students, their families, communities, religious groups, former Indian Residential School employees, government, and the people of Canada.

<http://www.trc.ca/about-us.html>

<http://nctr.ca/reports.php>

## SIXTIES SCOOP

### THE SIXTIES SCOOP AND ABORIGINAL CHILD WELFARE

In the case of Aboriginal mothers, stories of government involvement in family life often go back generations. The legacy of removing children from their families and communities, first through the residential schools, and then through the child protection system, continues to impact the lives of these mothers, their children, and their grandchildren.

—Pivot Legal Society, Broken Promises

The term Sixties Scoop was coined by Patrick Johnston, author of the 1983 report *Native Children and the Child Welfare System*. It refers to the mass removal of Aboriginal children from their families into the child welfare system, in most cases without the consent of their families or bands. Professor Raven Sinclair recounts that Johnston told her that a B.C. social worker provided the phrase when she told him "...with tears in her eyes—that it was common practice in B.C. in the mid-sixties to 'scoop' from their mothers on reserves almost all newly born children. She was crying because she realized—20 years later—what a mistake that had been."<sup>1</sup> The Sixties Scoop refers to a particular phase of a larger history, and not to an explicit government policy. Although the practice of removing Aboriginal children from their families and into state care existed before the 1960s (with the residential school system, for example), the drastic overrepresentation of Aboriginal children in the child welfare system accelerated in the 1960s, when Aboriginal children were seized and taken from their homes and placed, in most cases, into middle-class Euro-Canadian families. This overrepresentation continues today.

## AN EPIDEMIC OF ABORIGINAL CHILD APPREHENSION

The government began phasing out compulsory residential school education in the 1950s and 1960s as the public began to understand its devastating impacts on families. It was the general belief of government authorities at the time that Aboriginal children could receive a better education if they were transitioned into the public school system. Residential schools, however, persisted as a sort of boarding school for children whose families were deemed unsuitable to care for them. This transition to provincial services led to a 1951 amendment that enabled the Province to provide services to Aboriginal people where none

existed federally. Child protection was one of these areas.<sup>2</sup> In 1951, 29 Aboriginal children were in provincial care in British Columbia; by 1964, that number was 1,466. Aboriginal children, who had comprised only 1 percent of all children in care, came to make up just over 34 percent.<sup>3</sup>

In the 1960s, the child welfare system did not require, nor did it expect, social workers to have specific training in dealing with children in Aboriginal communities. Many of these social workers were completely unfamiliar with the culture or history of the Aboriginal communities they entered. What they believed constituted proper care was generally based on middle-class Euro-Canadian values. For example, when social workers entered the homes of families subsisting on a traditional Aboriginal diet of dried game, fish, and berries, and didn't see fridges or cupboards stocked in typical Euro-Canadian fashion, they assumed that the adults in the home were not providing for their children. Additionally, upon seeing the social problems reserve communities faced, such as poverty, unemployment, and addiction, some social workers felt a duty to protect the local children. In many cases, Aboriginal parents who were living in poverty but otherwise providing caring homes had their children taken from them with little or no warning and absolutely no consent.<sup>4</sup> In fact, it was not until 1980 that the *Child, Family and Community Services Act* required social workers to notify the band council if an Aboriginal child were removed from the community.<sup>5</sup>

An alarmingly disproportionate number of Aboriginal children were apprehended from the 1960s onward. By the 1970s, roughly one third of all children in care were Aboriginal.<sup>6</sup> Approximately 70 percent of the children apprehended were placed into non-Aboriginal homes,<sup>7</sup> many of them homes in which their heritage was denied. In some cases, the foster or adoptive parents told their children that they were French or Italian instead.<sup>8</sup> Government policy at the time did not allow birth records to be opened unless both the child

and parent consented. This meant that many children suspected their heritage but were unable to have it confirmed.

Many children floated from foster home to foster home or lived in institutionalized care. Physical and sexual abuse was not uncommon, but it was usually covered up, rendered invisible by the lack of social services and support for Aboriginal families and the affected children, a result of the general social reluctance to publicly acknowledge such abuse at the time.<sup>9</sup> The Aboriginal Committee of the Family and Children's Services Legislation Review Panel's report *Liberating Our Children* describes the negative consequences for Aboriginal children:

The homes in which our children are placed ranged from those of caring, well-intentioned individuals, to places of slave labour and physical, emotional, and sexual abuse. The violent effects of the most negative of these homes are tragic for its victims. Even the best of these homes are not healthy places for our children. Anglo-Canadian foster parents are not culturally equipped to create an environment in which a positive Aboriginal self-image can develop. In many cases, our children are taught to demean those things about themselves that are Aboriginal. Meanwhile, they are expected to emulate normal child development by imitating the role model behavior of their Anglo-Canadian foster or adoptive parents. The impossibility of emulating the genetic characteristics of their Caucasian caretakers results in an identity crisis unresolvable in this environment. In many cases this leads to behavioural problems, causing the alternative foster or adoption relationship to break down. The Aboriginal child simply cannot live up to the assimilationist expectations of the non-Aboriginal caretaker.<sup>10</sup>

## IMPACTS OF THE SIXTIES SCOOP

Children growing up in conditions of suppressed identity and abuse tend eventually to experience psychological and emotional problems. For many apprehended children,

the roots of these problems did not emerge until later in life when they learned about their birth family or their heritage. Social work professor Raven Sinclair describes these experiences as creating "tremendous obstacles to the development of a strong and healthy sense of identity for the transracial adoptee." Feelings of not belonging in either mainstream Euro-Canadian society or in Aboriginal society can also create barriers to reaching socio-economic equity.

[https://indigenousfoundations.arts.ubc.ca/sixties\\_scoop/](https://indigenousfoundations.arts.ubc.ca/sixties_scoop/)

## THE WHITE PAPER

### THE WHITE PAPER 1969

In spite of all government attempts to convince Indians to accept the white paper, their efforts will fail, because Indians understand that the path outlined by the Department of Indian Affairs through its mouthpiece, the Honourable Mr. Chrétien, leads directly to cultural genocide. We will not walk this path.

—Harold Cardinal, *The Unjust Society*

In 1969, Prime Minister Pierre Trudeau and his Minister of Indian Affairs, Jean Chrétien, unveiled a policy paper that proposed ending the special legal relationship between Aboriginal peoples and the Canadian state and dismantling the *Indian Act*. This white paper was met with forceful opposition from Aboriginal leaders across the country and sparked a new era of Indigenous political organizing in Canada.

### WHAT IS A WHITE PAPER?

In the Canadian legislature, a policy paper is called a white paper. For many First Nations people, the term ironically implies a reference



## WHAT LED TO THE WHITE PAPER?

to racial politics and the white majority. The 1969 white paper proposing the abolition of the *Indian Act* was formally called the Statement of the Government of Canada on Indian Policy.

The federal government's intention, as described in the white paper, was to achieve equality among all Canadians by eliminating Indian as a distinct legal status and by regarding Aboriginal peoples simply as citizens with the same rights, opportunities and responsibilities as other Canadians. In keeping with Trudeau's vision of a "just society," the government proposed to repeal legislation that it considered discriminatory. In this view, the *Indian Act* was discriminatory because it applied only to Aboriginal peoples and not to Canadians in general. The white paper stated that removing the unique legal status established by the *Indian Act* would "enable the Indian people to be free—free to develop Indian cultures in an environment of legal, social and economic equality with other Canadians."

To this end, the white paper proposed to:

- Eliminate [Indian status](#)
- Dissolve the Department of Indian Affairs within five years
- Abolish the [Indian Act](#)
- Convert [reserve land](#) to private property that can be sold by the band or its members
- Transfer responsibility for Indian affairs from the federal government to the province and integrate these services into those provided to other Canadian citizens
- Provide funding for economic development
- Appoint a commissioner to address outstanding land claims and gradually terminate existing treaties

By the 1960s, the federal government could not deny that Aboriginal peoples were facing serious socio-economic barriers, such as greater poverty and higher infant mortality rates than non-Indigenous Canadians and lower life expectancy and levels of education. The civil rights movement sweeping the United States brought public attention to the intense racism and discrimination experienced by African Americans and other minorities. The movement also led many Canadians to question inequality and discrimination in their own society, particularly the treatment of First Nations.

In 1963, the federal government commissioned University of British Columbia anthropologist Harry B. Hawthorn to investigate the social conditions of Aboriginal Peoples across Canada. In his report, *A Survey of the Contemporary Indians of Canada: Economic, Political, Educational Needs and Policies*, Hawthorn concluded that Aboriginal Peoples were Canada's most disadvantaged and marginalized population. They were "citizens minus." Hawthorn attributed this situation to years of failed government policy, particularly the [residential school system](#), which left students unprepared for participation in the contemporary economy. Hawthorn recommended that Aboriginal Peoples be considered "citizens plus" and be provided with the opportunities and resources to choose their own lifestyles, whether within reserve communities or elsewhere. He also advocated ending all forced assimilation programs, especially the residential schools. (Hawthorn's two-volume report can be read online [here](#).)

Based on Hawthorn's recommendations, Chrétien decided to amend the *Indian Act*. The federal government began a national program of consultation with First Nations communities across Canada. The government distributed the informational booklet *Choosing a Path* to reserve communities, organized community meetings, and in May 1969 brought regional Aboriginal representatives to Ottawa for a nationwide meeting. During these consultations,

First Nations representatives consistently expressed concern about [Aboriginal and treaty rights](#), title to the land, self-determination, and access to education and health care.

In June 1969, Ottawa, in answer to the consultations, produced a white paper proposing to dismantle Indian Affairs.

[https://indigenousfoundations.arts.ubc.ca/the\\_white\\_paper\\_1969/](https://indigenousfoundations.arts.ubc.ca/the_white_paper_1969/)

## 1990 OKA CRISIS

The Oka Crisis, also known as the Kanesatake Resistance or the Mohawk Resistance at Kanesatake, was a 78-day standoff (July 11 to September 26, 1990) between Mohawk protesters, Quebec police, the RCMP and the Canadian Army. It took place in the community of Kanesatake, near the Town of Oka, on the north shore of Montreal. Related protests and violence occurred in the Kahnawake reserve, to the south of Montreal. The crisis was sparked by the proposed expansion of a golf course and the development of townhouses on disputed land in Kanesatake that included a Mohawk burial ground. Tensions were high, particularly after the death of Corporal Marcel Lemay, a Sûreté du Québec police officer. Eventually, the army was called in and the protest ended. The golf course expansion was cancelled and the land was purchased by the federal government. However, it did not establish the land as a reserve, and there has since been no organized transfer of the land to the Mohawks of Kanesatake.

<https://www.thecanadianencyclopedia.ca/en/article/oka-crisis>

## ROYAL COMMISSION REPORT

[https://static1.squarespace.com/static/562e7f2ae4b018ac41a6e050/t/59d0024a9f74567b7ee58b43/1506804313123/RCAP\\_reading.pdf](https://static1.squarespace.com/static/562e7f2ae4b018ac41a6e050/t/59d0024a9f74567b7ee58b43/1506804313123/RCAP_reading.pdf)

<https://www.rcaanc-cirnac.gc.ca/eng/1100100014597/1572547985018>

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## TRUTH AND RECONCILIATION COMMISSION

### ABOUT THE TRUTH AND RECONCILIATION COMMISSION

The Indian Residential Schools Settlement Agreement, the largest class-action settlement in Canadian history, began to be implemented in 2007. One of the elements of the agreement was the establishment of the Truth and Reconciliation Commission of Canada to facilitate reconciliation among former students, their families, their communities, and all Canadians.

The official mandate (PDF) of the TRC is found in Schedule "N" of the Settlement Agreement, which includes the principles that guided the commission in its important work.

Between 2007 and 2015, the Government of Canada provided about \$72 million to support the TRC's work. The TRC spent six years travelling to all parts of Canada and heard from more than 6,500 witnesses. The TRC also hosted seven national events across Canada to engage the Canadian public, educate people about the history and legacy of the residential schools system, and share and honour the experiences of former students and their families.

The TRC created a historical record of the residential schools system. As part of this process, the Government of Canada provided over five million records to the TRC. The National Centre for Truth and Reconciliation at the University of Manitoba now houses all of the documents collected by the TRC.

In June 2015, the TRC held its closing event in Ottawa and presented the executive summary of the findings contained in its multi-volume final report, including 94 "calls to action" (or recommendations) to further reconciliation between Canadians and Indigenous Peoples.

In December 2015, the TRC released its entire six-volume final report. All Canadians are encouraged to read the summary or the final report to learn more about the terrible history of Indian Residential Schools and its sad legacy.

To read the reports, please visit the National Centre for Truth and Reconciliation website.

The Truth and Reconciliation Commission's final report

The Truth and Reconciliation Commission's Final Report is a testament to the courage of each and every survivor and family member who shared their story.

As part of the Indian Residential Schools Settlement Agreement, Prime Minister Jus-

tin Trudeau accepted the Final Report of the Truth and Reconciliation Commission on behalf of Canada.

The Government of Canada continues to be committed to a renewed nation-to-nation relationship with Indigenous peoples based on recognition of rights, respect, co-operation and partnership. The Government of Canada will work closely with provinces, territories, First Nations, the Métis Nation, Inuit groups, and church entities to implement recommendations of the TRC and further reconciliation to the benefit of all Canadians. This will include the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

The Government of Canada also recognizes that true reconciliation goes beyond the scope of the commission's recommendations. The Prime Minister announced that Canada will work with leaders of First Nations, the Métis Nation, Inuit, provinces and territories, parties to the Indian Residential School Settlement Agreement, and other key partners, to design a national engagement strategy for developing and implementing a national reconciliation framework, informed by the Truth and Reconciliation Commission's recommendations.

As an important step in rebuilding Canada's relationship with Indigenous peoples, the Prime Minister of Canada met with leaders of the National Indigenous Organizations on December 16, 2015, in Ottawa to continue the dialogue on reconciliation. At that meeting, the Prime Minister committed to National Indigenous Organizations that he would meet with them annually in order to sustain and advance progress on shared priorities.

<https://www.rcaanc-cirnac.gc.ca/eng/1450124405592/1529106060525>

# NATIONAL INQUIRY ON MMIWG

## *Reclaiming Power and Place*

The National Inquiry's Final Report reveals that persistent and deliberate human and Indigenous rights violations and abuses are the root cause behind Canada's staggering rates of violence against Indigenous women, girls, and 2SLGBTQQIA people. The two-volume report calls for transformative legal and social changes to resolve the crisis that has devastated Indigenous communities across the country.

The Final Report comprises of the truths of more than 2,380 family members, survivors of violence, experts, and Knowledge Keepers shared over two years of cross-country public hearings and evidence gathering. It delivers 231 individual Calls for Justice directed at governments, institutions, social service providers, industries, and all Canadians.

As documented in the Final Report, testimony from family members and survivors of violence spoke about a surrounding context marked by multigenerational and intergenerational trauma and marginalization in the form of poverty, insecure housing or homelessness, and barriers to education, employment, health care, and cultural support. Experts and Knowledge Keepers spoke to specific colonial and patriarchal policies that displaced women from their traditional roles in communities and governance and diminished their status in society, leaving them vulnerable to violence.

<https://www.mmiwg-ffada.ca/final-report/>

## RATES OF VIOLENCE:

Indigenous women and 2SLGBTQQIA people disproportionately experience numerous forms of life-threatening gender-based violence. Such violence is rooted in an ongoing genocide based on sexism and racism. This fact sheet places the issue of missing and murdered Indigenous women and 2SLGBTQQIA people in the broader context of violence

against Indigenous women and 2SLGBTQQIA people. By understanding the severity of the issues, we can more effectively work toward breaking the cycle of violence and dismantling a colonial legacy.

For years, communities have pointed to the high number of missing and murdered Indigenous women, girls, and 2SLGBTQQIA. Indigenous women are more likely to report both physical and sexual maltreatment as a child than Indigenous men (14% versus 5%) and are three times as likely to report being a victim of spousal violence as non-Indigenous women (Boyce, 2016).

Statistics Canada has found that even when controlling for other risk factors, Indigenous identity itself remained a risk factor for violent victimization of women which was not found for men (Boyce, 2016). Indigenous 2SLGBTQ+ individuals also experience a disproportionately high rate of physical and sexual violence (Holmes & Hunt, 2017).

## DISTINCT IMPACTS OF COVID-19 GLOBAL PANDEMIC ON RATES OF VIOLENCE

NWAC undertook a national survey from May 1–29, 2020 and received responses to measure the impact of the global pandemic crisis on Indigenous women in Canada.

The 750 survey responses highlighted:

- Indigenous women are more worried about domestic violence than they are about most COVID-19 issues.
- Indigenous women are experiencing a surge of violence during this pandemic. Indigenous women are reporting more violence than in the past during this time of sheltering in place. In May 2020, 17% had experienced physical or psychological violence in the past three months, compared to 10% reporting spousal violence over the past five years in 2014.

- Indigenous women most vulnerable to violence in the past three months are in the North, under 35, and have been financially impacted by COVID-19.
- Romantic partners are overwhelmingly seen as the biggest source of violence.
- The financial impact of COVID-19 is strongly correlated to violence against Indigenous women. A majority (70%) of the women and gender-diverse people (especially those under 35) who have been moderately or majorly impacted financially by COVID-19 have experienced violence in the past three months.

## MISSING AND MURDERED INDIGENOUS WOMEN, GIRLS, AND 2SLGBTQIA PEOPLE

For more than four decades, the Native Women's Association of Canada (NWAC) has worked to document the systemic violence impacting Indigenous women, their families, and communities.

From 2005 to 2010, NWAC's Sisters In Spirit (SIS) Initiative confirmed 582 cases of missing and/or murdered Indigenous women and girls over a span of twenty years and worked to raise awareness of this human rights issue. NWAC's research indicates that homicides involving Indigenous women are more likely to go unsolved. Only 53% of murder cases in NWAC's Sisters In Spirit database have been solved, compared to 84% of all murder cases across the country.

From 2010 to 2014, NWAC continued to raise awareness and engage with communities by creating a comprehensive Community Resource Guide and its Evidence to Action projects. NWAC maintains that violence against Indigenous women is much more pervasive than publicly available data indicate. This suspicion was confirmed in 2013, when the RCMP released a report revealing 1,181 cases of missing and/or murdered Indigenous women and girls.

The 2015 update document now unavailable on the RCMP's website added 19 female Aboriginal missing cases, for a total of 174 Aboriginal females missing for at least 30 days as of April 1, 2015.

In December 2015, the Government of Canada launched the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG). Its final report, *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*, includes 231 individual Calls for Justice directed at governments, institutions, social service providers, industries, and all Canadians. The National Inquiry confirmed that:

"rates of violence against Métis, Inuit, and First Nations women, girls, and 2SLGBTQIA people are much higher than for non-Indigenous women in Canada, even when all other differentiating factors are accounted for. Perpetrators of violence include Indigenous and non-Indigenous family members, partners, casual acquaintances, and serial killers" (Executive Summary, 2019, p. 3).

**Community-based research has found levels of violence against Indigenous women to be even higher than those reported by government surveys. There are many limitations to government-collected statistics.**

Government statistics are based on police-collected data, but police numbers reflect only those incidents that are reported to police. An estimated 6 out of 10 incidents of violent crime against Indigenous people go unreported.

There are no standard policies covering whether and/or how police track violence experienced by Indigenous peoples. Some police agencies, including the RCMP, do not collect this information at all. This is significant, as the RCMP covers 75% of Canada's geography and serves more than 630 Indigenous communities.

There is no required or consistent protocol regarding how police gather information on



Indigenous identity. NWAC honours community reporting as the most reliable means of knowing whether a particular woman or 2SLGBTQQIA person is Indigenous. Police recording, meanwhile, is often based on the 'visual assessment' of the woman by the officer involved.

RCMP data are shared with the National Centre for Missing Persons and Unidentified Remains (NCMPUR), which will work to publish these cases on its Canada's Missing website. The problem, however, is that NCMPUR's Fast Fact Sheets from 2015-2019 do not disaggregate by race/ethnicity (this website's statistics disaggregate only by province, sex, and probable cause).

NWAC holds the only national database on the number and circumstances of missing and murdered Indigenous women and girls in Canada. For more information, please see consult our website for Violence Prevention and MMI-WG.

<https://www.nwac.ca/policy-areas/mmiwg/>.

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3. First Nations Information Governance Centre (FNIGC) (2012). *First Nations Regional Health Survey (RHS) 2008/10: National report on adults, youth and children living in First Nations communities*. Ottawa: FNIGC.
4. Holmes, C. & Hunt, S. (2017). *Indigenous Communities and Family Violence: Changing the Conversation*. Prince George, BC: National

Collaborating Centre for Aboriginal Health.

5. National Inquiry into Missing and Murdered Indigenous Women and Girls. (2019, June). *Reclaiming Power and Place: Executive Summary of the Final Report*.

[https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Executive\\_Summary.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Executive_Summary.pdf)

6. Native Women's Association of Canada (NWAC). (2008). *Sisters In Spirit initiative literature review*. Ottawa: Native Women's Association of Canada. [www.nwac.ca/en/documents/SISLiteratureReview\\_March2008\\_Final.pdf](http://www.nwac.ca/en/documents/SISLiteratureReview_March2008_Final.pdf).

Statistics Canada. (2009). *Homicide in Canada, 2008*. Catalogue no. 85-002-X. Ottawa: Minister of Industry.

Native Women's Association of Canada (October 2020) Fact Sheet: Violence Against Indigenous Women, Girls, and 2SLGBTQQIA People in Canada.

## OVER-REPRESENTATION OF INDIGENOUS PEOPLE IN FEDERAL PRISONS

Indigenous People in Federal Custody Surpasses 30%

### CORRECTIONAL INVESTIGATOR ISSUES STATEMENT AND CHALLENGE

#### FOR IMMEDIATE RELEASE

Ottawa, January 21, 2020 – Today, the Correctional Investigator of Canada, Dr. Ivan Zinger, issued a news release and supporting information indicating that the number and proportion of Indigenous individuals under federal sentence has reached new historic highs.

In his release and comments, Dr. Zinger provided this context: "Four years ago, my Office reported that persons of Indigenous ancestry

had reached 25% of the total inmate population. At that time, my Office indicated that efforts to curb over-representation were not working. Today, sadly, I am reporting that the proportion of Indigenous people behind bars has now surpassed 30%.”

While accounting for 5% of the general Canadian population, the number of federally sentenced Indigenous people has been steadily increasing for decades. More recently, custody rates for Indigenous people have accelerated, despite an overall decline in the inmate population. In fact, since April 2010 the Indigenous inmate population has increased by 43.4% (or 1,265), whereas the non-Indigenous incarcerated population has declined over the same period by 13.7% (or 1,549). The rising numbers of Indigenous people behind bars offsets declines in other groups, giving the impression that the system is operating at a normal or steady state. As Dr. Zinger noted, nothing could be farther from the truth.

The Correctional Investigator suggests that surpassing the 30% mark indicates a deepening “Indigenization” of Canada’s correctional system. Dr. Zinger referred to these trends as “disturbing and entrenched imbalances,” noting that the numbers are even more troubling for Indigenous women, who now account for 42% of the women inmate population in Canada. The Correctional Investigator drew attention to the fact that federal corrections seems impervious to change and unresponsive to the needs, histories and social realities behind high rates of Indigenous offending.

Dr. Zinger stated, “On this trajectory, the pace is now set for Indigenous people to comprise 33% of the total federal inmate population in the next three years. Over the longer term, and for the better part of three decades now, despite findings of Royal Commissions and National Inquiries, intervention of the courts, promises and commitments of previous and

current political leaders, no government of any stripe has managed to reverse the trend of Indigenous over-representation in Canadian jails and prisons. The Indigenization of Canada’s prison population is nothing short of a national travesty.”

Dr. Zinger related that while these numbers are profoundly concerning, they are not altogether surprising given the consistently poor outcomes for Indigenous people in federal corrections. Year after year, his Office has documented that Indigenous inmates are disproportionately classified and placed in maximum security institutions, over-represented in use of force and self-injurious incidents, and historically, were more likely to be placed and held longer in segregation (solitary confinement) units. Compared to their non-Indigenous counterparts, Indigenous offenders serve a higher proportion of their sentence behind bars before granted parole. Finally, a recent national recidivism study shows that Indigenous people reoffend or are returned to custody at much higher levels, as high as 70% for Indigenous men in the Prairie region.

Though many of the causes of Indigenous over-representation reside in factors beyond the criminal justice system, Dr. Zinger pointed out that all of the outcomes noted above fall under the exclusive domain of the Correctional Service of Canada. For too long, CSC has recused itself from any responsibility for Indigenous over-representation, preferring instead to simply reiterate that corrections, being situated at the back (or receiving) end of the criminal justice system, exerts no control or jurisdiction over “upstream” factors that decide who is sent to prison, for what reasons, or for how long.

In his comments, Dr. Zinger addressed this long-standing fallacy in direct terms. “In failing to close the outcomes gap between Indigenous and non-Indigenous offenders, the federal correctional system makes its own unique and measureable contribution to the problem of over-representation. CSC needs to accept its share of responsibility, recognizing

that tweaks around the edges of the system simply won't cut it. The Service needs to make dramatic changes to reduce readmissions and returns to custody, better prepare Indigenous offenders to meet earliest parole eligibility dates and more safely return Indigenous offenders to their home communities. Reforms of this nature will require a significant and proportional realignment of CSC priorities and resources. The Government of Canada needs to lead and direct these efforts."

The same urgent calls to action are raised in the final reports of the Truth and Reconciliation Commission, the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG), as well as two recent parliamentary committee studies on Indigenous peoples in the criminal justice system. These bodies have called upon the federal government to implement measures recommended by the Office including:

- Transfer resources and responsibility to Indigenous groups and communities for the care, custody and supervision of Indigenous offenders.
- Appoint a Deputy Commissioner for Indigenous Corrections.
- Increase access and availability of culturally relevant correctional programming.
- Clarify and enhance the role of Indigenous elders.
- Improve engagement with Indigenous communities and enhance their capacity to provide reintegration services.
- Enhance access to screening, diagnosis and treatment of Indigenous offenders affected by *Fetal Alcohol Spectrum Disorder*.
- Develop assessment and classification tools responsive to the needs and realities of Indigenous people caught up in the criminal justice system.

As Dr. Zinger concluded: "It is not acceptable that Indigenous people in this country expe-

rience incarceration rates that are six to seven times higher than the national average. Bold and urgent action is required to address one of Canada's most persistent and pressing human rights issues."

As the ombudsman for federally sentenced offenders, the Office of the Correctional Investigator serves Canadians and contributes to safe, lawful and humane corrections through independent oversight of the Correctional Service of Canada by providing accessible, impartial, and timely investigation of individual and systemic concerns.

This release is available at:

[www.oci-bec.gc.ca](http://www.oci-bec.gc.ca).

<https://www.oci-bec.gc.ca/cnt/comm/press/press20200121-eng.aspx>

<https://www.nwac.ca/wp-content/uploads/2015/05/What-Is-Gladue.pdf>

## LINKS & RESOURCES

### INDIGENOUS WOMEN AND HOUSING

<https://www.nwac.ca/wp-content/uploads/2019/07/Housing-Report.pdf>

### INDIGENOUS RIGHTS DEFINITIONS

Inherent policy <https://www.rcaanc-cirnac.gc.ca/eng/1100100031843/1539869205136>

Sui Generis Rights: <https://www.albertalaw-review.com/index.php/ALR/article/download/1018/1008/1115>

Aboriginal Title: [https://indigenousfoundations.arts.ubc.ca/aboriginal\\_title/](https://indigenousfoundations.arts.ubc.ca/aboriginal_title/)

### THE CANADIAN HUMAN RIGHTS CASE ON FIRST NATIONS CHILD WELFARE

<https://lawjournal.mcgill.ca/article/the-complainant-the-canadian-human-rights-case-on-first-nations-child-welfare/>

### STATISTICS ON INDIGENOUS PEOPLES

[https://www.statcan.gc.ca/eng/subjects-start/indigenous\\_peoples](https://www.statcan.gc.ca/eng/subjects-start/indigenous_peoples)

### MÉTIS LAW IN CANADA

<http://albertametis.com/wp-content/uploads/2014/04/Metis-Law-in-Canada-2013-1.pdf>

### INUIT HISTORY

[https://www.itk.ca/wp-content/uploads/2016/07/5000YearHeritage\\_0.pdf](https://www.itk.ca/wp-content/uploads/2016/07/5000YearHeritage_0.pdf)

### INUIT CULTURE & FACTS

<https://www.itk.ca/about-canadian-inuit/>

### METIS CULTURE & FACTS

<http://www.metisnation.org/culture-heritage/symbols-and-traditions/>

### NOTABLE CASES IN ABORIGINAL LAW

<https://guides.library.utoronto.ca/c.php?g=250656&p=1671426>

### TODAY'S FRAMEWORKS

<https://www.rcaanc-cirnac.gc.ca/eng/1100100028574/1529354437231>

## INTERNATIONAL FRAMEWORKS

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the General Assembly on Thursday, 13 September, 2007, by a majority of 144 states in favour, 4 votes against (Australia, Canada, New Zealand, and the United States) and 11 abstentions (Azerbaijan, Bangladesh, Bhutan, Burundi, Colombia, Georgia, Kenya, Nigeria, Russian Federation, Samoa, and Ukraine). [Click here to view the voting record.](#)

Years later the four countries that voted against have reversed their position and now support the UN Declaration. Today the Declaration is the most comprehensive international instrument on the rights of Indigenous Peoples. It establishes a universal framework of minimum standards for the survival, dignity, and well-being of the Indigenous Peoples of the world and it elaborates on existing human rights standards and fundamental freedoms as they apply to the specific situation of Indigenous peoples.

### United Nations Declaration on the Rights of Indigenous Peoples (A/RES/61/295)

The efforts to draft a specific instrument dealing with the protection of Indigenous Peoples worldwide date back over several decades. In 1982, the Working Group on Indigenous Populations was established and was one of the six working groups overseen by the Sub-Commission on the Promotion and Protection of Human Rights, the main subsidiary body of the United Nations Commission on Human Rights (defunct 2006).

The Working Group was established as result of a study by José R. Martínez Cobo on the problem of discrimination faced by indigenous peoples throughout the world. The study outlined the oppression, marginalization and exploitation suffered by indigenous peoples.

The Working Group submitted a first draft

declaration on the rights of Indigenous Peoples to the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, which was later approved in 1994. The draft was sent for consideration to the then U.N. Commission on Human Rights for further discussion and if it was deemed to be appropriate, to approve the proposed declaration before its submission to ECOSOC and the U.N. General Assembly.

The process moved very slowly because of concerns expressed by States with regard to some of the core provisions of the draft declaration, namely the right to self-determination of Indigenous Peoples and the control over natural resources existing on Indigenous Peoples' traditional lands.

The need to accommodate these issues led to the creation, in 1995, of the open-ended inter-sessional working group to consider and elaborate on the 1994 draft declaration. The open-ended working group hoped that the instrument would be adopted by the General Assembly within the International Decade of the World's Indigenous People (1995-2004). Since this did not take place, the mandate of the working group was extended by the U.N. Commission on Human Rights into the Second International Decade of the World's Indigenous Peoples (2005-2015).

In 2006, revisions to the human rights machinery within the United Nations resulted in the replacement of the U.N. Commission on Human Rights with the U.N. Human Rights Council. On June 29, 2006, the United Nations Human Rights Council adopted the Declaration on the Rights of Indigenous Peoples.

On December 28, 2006, the Third Committee of the General Assembly (Social, Humanitarian and Cultural) adopted a draft resolution to defer consideration and action on the United Nations Declaration on the Rights of Indigenous Peoples by the General Assembly, with the aim

of concluding consideration of the Declaration before the end of its current sixty-first session.

Under a revised draft resolution, whose main sponsor was Peru, with a number of European and Latin American countries listed as co-sponsors, the full text would have been adopted by the Assembly in relatively short order.

But an initiative led by Namibia, co-sponsored by a number of African countries, resulted in the draft being amended. In its new form, the draft would have the Assembly decide “to defer consideration and action on the United Nations Declaration on the Rights of Indigenous Peoples to allow time for further consultations thereon.” Furthermore, the Assembly would also decide “to conclude consideration of the Declaration before the end of its sixty-first session.”

Finally, on September 13, 2007, the Declaration on the Rights of Indigenous Peoples was adopted by a majority of 144 states in favour, 4 votes against (Australia, Canada, New Zealand, and the United States) and 11 abstentions (Azerbaijan, Bangladesh, Bhutan, Burundi, Colombia, Georgia, Kenya, Nigeria, Russian Federation, Samoa and Ukraine) Since adoption of the Declaration, Australia, New Zealand, the United States, and Canada have all reversed their positions and expressed support for the Declaration. Colombia and Samoa have also endorsed the Declaration.

During the Durban Review Conference in April 2009, 182 States from all regions of the world reached consensus on an outcome document in which they “Welcome[d] the adoption of the UN Declaration on the rights of indigenous peoples which has a positive impact on the protection of victims and, in this context, urge[d] States to take all necessary measures to implement the rights of indigenous peoples in accordance with international human rights

instruments without discrimination...” (UN Office of the High Commissioner for Human Rights, Outcome document of the Durban Review Conference, April 24, 2009, para. 73).

## OTHER COMMEMORATIVE EVENTS

### Ninth Anniversary (2016)

On September 13, 2016, the United Nations celebrated the ninth anniversary of the adoption of the UN Declaration on the Rights of Indigenous Peoples by drawing attention to the continued relevance and importance of the UN Declaration today.

The day started with a press conference, where Chandra Roy-Henriksen, Chief of the Secretariat of the Permanent Forum on Indigenous Issues, in UN DESA’s Division of Social Policy and Development, Reagan Tarbell, Indigenous film maker, and Americo Mendoza-Mori, Professor and founder of the Quechua language program at the University of Pennsylvania, gave their perspectives on the UN Declaration and why it is still crucial today as a tool to ensure the rights of Indigenous Peoples.

In the evening, the anniversary of the UN Declaration was marked with an indigenous film event about Indigenous Peoples and cultural survival in cities. Several hundred people came to the United Nations to see the screening of “From Brooklyn and Back: A Mohawk Journey” by Mohawk film maker, Reagan Tarbell” and “Bronx Llaktamanta” by Quechua film maker, Doris Loayza – two films that tell the stories of indigenous peoples, sustaining their communities, languages and identities in New York, far from their ancestral homes.

The film event opened with remarks by the Director of UN DESA’s Division for Social Policy and Development, Ms. Daniela Bas, who emphasized the relevance of the UN Declaration on the Rights of Indigenous Peoples in implementing the 2030 Agenda—and welcomed indigenous artists and film makers and their

important role in promoting Indigenous cultures.

After the film screenings, the two indigenous film makers, Reahan Tarbell and Doris Loyaza, were joined by Segundo Angagamarca, who runs a Kichwa radio program in New York. The three engaged in a Q&A session with the moderator, Damian Cardona Onses, Acting Chief of the Communications Campaigns Service in the United Nations Department of Public Information.

## USEFUL LINKS

Program for the [film night](#)

[Radio interview](#) with Reaghan Tarbell

[Press conference](#)

[Joint statement by the 3 UN mechanisms pertaining to indigenous peoples](#)

[UN DESA coverage](#)

[Celebrating the 9th anniversary of the UN Declaration on the Rights of Indigenous Peoples with an Indigenous film night](#)

[Film night](#) to celebrate Indigenous Peoples' cultures and identities in cities

[Eight Anniversary \(2015\)](#)

[Click here to view the statement](#) by the Chair of the United Nations Permanent Forum on Indigenous Issues, Professor Megan Davis, on the eighth anniversary of the Declaration, 13 September, 2015.

## FAQS

[FAQs on the Declaration of the Rights of Indigenous Peoples](#)

[PeRs Declaração das Nações Unidas sobre os Direitos dos Povos Indígenas](#)

<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

## CULTURALLY RELEVANT GENDER-BASED ANALYSIS

<https://www.nwac.ca/resource/a-culturally-relevant-gender-based-analysis/>

## CONFLICT RESOLUTION

### BACKGROUNDER

Most First Nations, Métis, and Inuit people who have chronic health conditions and attended residential schools report their health and well-being was negatively affected by their residential school experiences. Intergenerational trauma is also a result of residential schools and the Sixties Scoop, causing higher rates than the non-Indigenous population of suicide, mental health, and addictions. The separation of children from their families and abuse causes feelings of disconnection, lack of belonging and a lack of trust leading to heightened stress, anxiety, depression, and post-traumatic stress disorder.

Within Indigenous organizations, it is imperative employers and employees are fully informed and recognize the present day affects of the traumas Indigenous people face. They must use a trauma-informed and culturally appropriate approach to their human resources within the workplace.

## DEFINITIONS

### TRAUMA-INFORMED APPROACH

A trauma-informed approach in an Indigenous context must take a culturally appropriate approach. This means knowing, understanding, acknowledging, and validating that a person in the workplace has suffered trauma from their lived experiences, including intergenerational trauma. People who suffer from trauma struggle with everyday workplace situations, and require a trauma-informed approach to address their issues in order to provide a healthy environment for all staff. The workplace must provide support to empower and deal with the emotions they are experiencing.

### LATERAL VIOLENCE

This occurs when oppressed groups use emotional or psychological attack(s) on other group members. This is a result of oppression, when it is easier to fight each other than the oppressor. Examples of lateral violence include bullying, gossiping, harassment, exclusion, intimidation, and physical violence.

### HOW DOES TRAUMA PRESENT ITSELF IN THE WORKPLACE?

People with lived experiences or intergenerational trauma can experience hypersensitivity, anxiety, depression, and anger manifesting into negative energy. This negative energy can present itself in many different forms. This includes deflection, manipulation, retaliation, and ostracism. Hypersensitivity, anxiety, depression, and anger can cause alternative realities, skewing individual's perception. When this occurs, the individual must seek Elder support and guidance to manage the situation and their emotions.

### Step 1 - Selecting an Elder

Workplaces with Indigenous employees should have an Elder available. Hiring an Elder is paramount to ensure effective implementation of a culturally appropriate trauma informed workplace. Elders provide spiritual and emotional support and bring knowledge of the land, culture, background and ceremonies to the workplace. The Elder must be aware of the different Indigenous cultures to navigate situations respectfully and meaningfully. They must also know the history of intergenerational trauma and the present day impacts.

### Step 2 - Elder Assessment

The Elder must make themselves available in a reasonable amount of time once a workplace matter is brought to their attention. First, the Elder must calm down the individual to ground them and release the emotion that is built up. This can include smudging to cleanse the negativity the individual is feeling at the moment and to give the individual strength and courage to talk about their emotions. Medicines, like sage, help individuals to protect themselves and should be available in all the workplaces.

It is essential to establish a sense of confidentiality. The individual must know their experience is safe with the Elder they are sharing it with. If the situation involves other employees, the Elder must first ask permission to speak to the other employee(s). If it is a medical emergency, such as an individual is a threat to themselves or others, the Elder must take steps to protect the employee(s).

### Step 3 - Emotional Identification

Next, the Elder must have the individual talk through their emotions and the story. It is important to keep asking questions at this stage in order to allow the individual to identify their emotions and perspective independently. It



is important the Elder is fully informed of the individual's version of their experience and is able to assess what the individual needs at that time. At this point, the Elder is able to identify if the emotions and situation are work-based or personally-based and if external resources such as medical attention are required.

#### Step 4 - Empowering Individuals

The next stage is to have the individual identify possible solutions to their emotional upset or distress. Turning the discussion around so the individual explains the situation, their emotions and solutions requires people to question their perceptions. It is important to ask if they have done anything to address the situation and if not, why?

Through taking responsibility on how the individual helped themselves, the Elder is empowering individuals to navigate negative emotions and to identify personal solutions. The Elder must be open, honest and direct. Direct language alleviates misinterpretation, providing clarity to the situation.

#### WORKPLACE EXAMPLE 1 - GOSSIPING

An everyday example present in all workplaces is gossiping. This is a form of lateral violence and bullying. If an employee overhears coworkers gossiping about them, it can trigger emotional responses. In some cases, the negative, emotional reaction the individual experiences may be amplified due to trauma they've experienced. The situation must be immediately addressed by the Elder through the trauma informed and culturally appropriate approaches.

#### WORKPLACE EXAMPLE 2 - GROUP CONFLICT

If the situation is a multi-party conflict, the Elder must ask for an intervention to gain perspective from the other side or sides of the story. The Elder may speak with both employees separately. If both parties are willing, the

Elder can have a mediation where the two individuals speak to each other for clarity. In the end, they often resolve their differences through a reconciliation. This requires a commitment from each party. It should be based on promises and values showing each side's commitment to resolve the conflict and move forward in a positive sphere. If the conflict cannot be resolved, the Elder must bring the situation to the employer to give distance to the employees in conflict to make room for healing. This could involve moving parties in the office to different workspaces.

#### WORKPLACE TRIGGERS

##### Internal Triggers

Many employees deal with difficult subject matter in their day-to-day work. This can trigger negative emotions due to trauma, lived experiences, or intergenerational trauma. The Elder can use the trauma informed method to calm the individual down and navigate their emotions. This can identify triggers, helping individuals manage their emotions. In some cases, it is crucial to respect that some individuals cannot work on certain subjects or may need a break from the subject matter to restore their positive energy.

##### External Triggers

There are triggers that are outside the control of the employer, but must be recognized within the workplace. The external triggers include unstable project funding, colonial structures imposed by the government, unrealistic timelines to respond to government requests, and culturally inappropriate and insensitive stories reported in the media. Employers must recognize the adverse impact of external triggers and provide benefits that reflect the need for time off for mental, emotional and spiritual well-being.

## EMPLOYER RELATIONS

Employers must consult Elders regularly to ensure cultural appropriateness in the work environment. Indigenous organizations are navigating within colonial structures so it is essential for the Elder to create a work environment with cultural infusion. This could include smudging, opening and closing prayers, pipe ceremonies, moccasin making, beading, drumming, and sharing Indigenous teachings. Promoting cultural harmony and balance within the organization releases emotions through ceremony to build strength and resiliency. These are examples of non-threatening counselling techniques. People start opening up, reflecting with one another and sharing their experiences in a healthy, safe environment.

Additionally, all staff must be educated, how to appropriately respond, handle, and navigate in an Indigenous context. This must be part of the comprehensive onboarding process with the HR team.

## ABOUT THE AUTHOR ROSEANN MARTIN NWAC'S ELDER ADVISOR

Roseann Martin is a residential school survivor and a Mi'gmaq Grandmother who has travelled all over Canada, is a pipe carrier, drum keeper, water protector and likes to share her teachings. Born in Listuguj Quebec on September 2, 1952, her parents are Howard Metallic and Rebecca Wysote, both of Mi'gmaq ancestry. She is the eldest of 14 siblings. At the age of five she was sent to the Shubenacadie Indian Residential School where she stayed for 3½ years. Following her return to her community, she was once again sent away to the Gaspé coast for an additional eight years. In total, she spent most of her childhood away from her community, family and friends. Her journey

has seen enough trauma and anger along with multiple addictions that she has overcome. Today she has over 25 years of sobriety and healing to share her story for future generations to begin the healing process. Some of her hobbies include various types of beading and sweetgrass picking. As a respected Elder within her community, she is able to conduct sweats and various other ceremonies to help the healing process for family and community. Currently she sits on the Board of Directors for the Quebec Native Women Inc. as a Regional Elder, and works for Native Women's Association of Canada as an Elder adviser.

## TRAUMA INFORMED, AND CULTURALLY APPROPRIATE APPROACHES IN THE WORKPLACE, A NATIVE WOMEN'S ASSOCIATION OF CANADA'S INITIATIVE

BY ELDER ROSEANN MARTIN

## WAMPUM AT NIAGARA: THE ROYAL PROCLAMATION, CANADIAN LEGAL HISTORY, AND SELF-GOVERNMENT BY JOHN BORROWS'

<https://www.sfu.ca/~palys/Borrows-WampumAtNiagara.pdf>

## INDIGENOUS LEGAL TRADITIONS IN CANADA

[https://openscholarship.wustl.edu/cgi/view-content.cgi?article=1380&context=law\\_journal\\_law\\_policy](https://openscholarship.wustl.edu/cgi/view-content.cgi?article=1380&context=law_journal_law_policy)

# TERMINOLOGY

The first chapter in Chelsea Vowel's (Métis) book *Indigenous Writes* provides a comprehensive, plain language overview on how the terminology used to refer to Indigenous Peoples has changed over time. She provides definitions, examples, and a list of offensive terms (which is expanded on in chapter six of Gregory Younging's (Cree) book, *Elements of Indigenous Style*). It's recommended to read both or either of those chapters, or appendix one in Bob Joseph's book (Kwakwaka'wakw), *21 Things You May not Know About the Indian Act*. Here you will find an introduction to the topic and some definitions, and some information on how libraries are approaching the work needed to change terminology in collection records.

For many people, knowing how to refer to Indigenous Peoples can be stressful due to not knowing the correct terminology (Vowel, 2016; Younging, 2018). What's important is to cause offence and to take, and taking cues from the Nation or community you're engaging with. This may mean asking for and being open to receiving, feedback or corrections if you don't get it right the first time (Vowel, 2016).

What's important to remember is that "there is no across-the-board agreement on a term" (Vowel, 2016, p. 8). This is because terms and names evolve over time (Vowel, 2016; Younging, 2018). Younging recommends when using a historic work that contains inappropriate language, include a note or explanation to identify it as such in the body of your work, a footnote, or an endnote (2018, p. 61).

The terms and definitions on this page are reflective of Canada. For terms and definitions of Indigenous Peoples in the USA, this glossary by the Aspen Institute provides a starting point.

## ABORIGINAL & INDIGENOUS

In 1982 Aboriginal replaced "Indian" as the appropriate term for Indigenous Peoples in Canada (Vowel, 2016; Younging, 2018). In 2016 the federal government adopted Indigenous as the preferred term for all government communications (Joseph, 2018), and this term is gaining recognition in organizations and literature (Younging, 2018).

Indigenous is used collectively to refer to First Nations, Métis, and Inuit peoples in Canada (Joseph, 2018; Younging, 2018), and is not intended to "imply homogeneity of culture or of linguistic representations" (SFU Aboriginal Reconciliation Council, 2017, p. v). It is important to recognize and acknowledge "that Indigenous peoples are diverse, multicultural, and multinational" (SFU Aboriginal Reconciliation Council, 2017, p. v).

Chelsea Vowel cautions against using either Aboriginal or Indigenous in the possessive (2016, p. 8). Meaning, use Indigenous Peoples in Canada and not Indigenous Peoples of Canada or Canada's Indigenous Peoples.

## FIRST NATIONS

This term replaced the use of Indian or Native in the 1970s (Joseph, 2018 ; Younging, 2018). It "refers to that group of people officially known as Indians under the *Indian Act*, and does not include Inuit or Métis peoples" (Vowel, 2016, p. 11).

According to Younging, "the term has strong political connotations: it refers to separate nations that occupied territory before the arrival of Europeans" (2018, p. 63). It can be used to refer to a single community within a larger nation, such as Younging's example of Westbank First Nation, which is part of the Okanagan Nation (2018, p. 63). Except when discussing a particular nation, the term is always plural (Younging, 2018).

There are more than 630 First Nations in Canada, and approximately 200 Nations are in BC.

### INDIAN ACT

Passed in 1876, the *Indian Act* combined previous pieces of legislation on “Indians” in Canada; it does not include the Métis or Inuit. This document “regulates Indians and reserves and sets out certain federal government powers and responsibilities towards First Nations and their reserved lands” (Joseph, 2018, p. 111). It has been modified over other years, and is current Canadian legislation.

For more on the *Indian Act* see Indigenous Foundations, The Indian Act, or the Canadian Encyclopedia, Indian Act.

### INUIT

The term refers to the Indigenous people living in the Arctic areas of Canada, Greenland, and Siberia (Joseph, 2018 ; Younging, 2018). The word Inuit is plural and means the people, while Inuk is singular (Joseph, 2018 ; Younging, 2018).

There are 56 Inuit communities in Canada.

### MÉTIS

This term is used by many people in Canada, and in a few different contexts (Joseph, 2018; Younging, 2018). It often means “an Indigenous People who emerged during the fur trade from the intermarriage of people of European descent and people of Indigenous descent” (Younging, 2018, p. 67). Métis is a French word that translates to mixed.

The Métis Nation Canada defines Métis as “a person who self-identifies as Métis, is distinct from other Aboriginal peoples, is of historic Métis Nation Ancestry and who is accepted by the Métis Nation.” The Métis Homeland includes: Northwest Territories, Nunavut, Ontario, Manitoba, Saskatchewan, Alberta, and

British Columbia (Rupertsland Institute, n.d.).

Identity is complex, and there is a lot of debate around Métis identity and historic Métis communities. For more on the topic, read chapter four in *Indigenous Writes* (Vowel, 2016).

### NON-STATUS

The term used to refer to a First Nations person who is not registered under the *Indian Act*, and therefore does not have status (Joseph, 2018). This can be a result of losing status or having a parent or grandparent lose status, through either the Indian Act or another piece of legislation (Vowel, 2016).

The *Indian Act* outlined a process of enfranchisement, where an “Indian” could give up their status to become a Canadian citizen (Joseph, 2018). Once enfranchised, the person could then vote, live off reserve, attend post-secondary school, hire a lawyer, become a doctor, or join the military (Joseph, 2018). If a man became enfranchised, his wife and children were as well (Joseph, 2018). By 1985, enfranchisement was removed from the *Indian Act* (Joseph, 2018).

### STATUS

“An individual recognized by the federal government as registered under the *Indian Act*.” (Joseph, 2018, p. 113). The *Indian Act* defined “Indian” as:

- Any male person of Indian blood reported to belong to a particular band
- Any child of such a person
- Any woman who is or was lawfully married to such a person (Joseph, 2018, p. 11).

### LANGUAGE OF RECONCILIATION

With the release of the Truth and Reconciliation Final Report and Calls to Action in 2015, the word decolonize, Indigenize, and reconciliation have been used in scholarly literature, popular literature, and the media. Each word has multiple meanings and interpretations,

and are often intertwined together.

## DECOLONIZATION

Is used to “represent a socio-political agenda that seeks to redress historical and current practices that have had deleterious effects on Aboriginal peoples” (Walk This Path With Us, p. V).

## INDIGENIZATION

Is used to “indicates incorporating Indigenous knowledge and ways of knowing into the practices (such as the curriculum) of the institution” (Walk This Path With Us, p. V). The report authors go on to say that Indigenization represents “the primary goal of the ARC, which is to sustain and/or to create the conditions by which we might collaboratively work towards a preferred future” (Walk This Path With Us, p. VI).

## RECONCILIATION

The Truth and Reconciliation Commission defined reconciliation as being “about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country” (volume 6, p. 3). This can only happen with “awareness of the past, acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behaviour” (volume 6, p. 3).

# SEARCHING THE LIBRARY CATALOGUE

## LIBRARY METADATA

Libraries use two systems to organize their physical materials: classification and categorization. These systems are used to develop call numbers (classification) and subject headings (categorization). This information, along with things like title and author, make up an item’s record and metadata.

Academic libraries typically use the Library of Congress Classification, and most libraries use Library of Congress Subject Headings, though in Canada the Canadian Subject Headings are also used. The LC Classification and Subject Headings were written in the late 1800s, and are often representative of that time. There have been changes and additions over the years, to bring the systems into alignment with current socio-cultural understandings.

What this has meant is the placement of materials by or about Indigenous Peoples in the E or F sections (History) and the use of problematic, outdated, and inappropriate terminology (such as the subject heading “Indians of North America”). Library staff have been vocal in the need to update these systems to better reflect today’s society and cultural awareness, however any changes impact thousands to millions of records and it is going to take some time. SFU Library has several initiatives under way, starting with the addition of “Indigenous Peoples” to its records.

There are many articles that discuss the need to change, and the challenges faced by libraries.

Due to the terminology changes mentioned above, when searching for Indigenous topics you will need to use some expert tricks, particularly the commands AND and OR. Using these commands lets you create a search string that includes all potential terms.

For example: “First Nations” OR Indigenous OR Aboriginal OR Indian.

This search string will bring results with any of those terms; the OR widens your search. That way, regardless of the term used by the author it will show up in your results list. This can be especially helpful when looking for historic works which might use the term “Indian,” which would be missed in a search only using Indigenous.



## PROBLEMATIC TERMS

While library staff are working on adding more appropriate terms to item metadata, the problematic terminology has not been removed. There are a couple of reasons for this decision, primarily because libraries create and share metadata according to international standards. Changing and updating these standards takes time. Both the Library of Congress and Library Archives Canada are aware of the concerns around terminology, and are working on making changes. Meanwhile, libraries are adding appropriate terms and updating names on their own, or in collaboration with other academic and public libraries. You may also start seeing content notes being added to records, similar to the recommendation Younging (2018, p. 61) makes.

Another factor is that older materials contain these problematic terms (e.g, Eskimo, half-breed, savage; see Vowel (2016), and Younging (2018) for a more in-depth list and discussion). It's important to recognize them, and understand their historical use.

<https://www.lib.sfu.ca/help/research-assistance/subject/first-nations/fn-terminology>