



Ditidaht
FIRST NATION



October, 2016

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Issue 3

In this issue we cover the following topics:

- How does the *Indian Act* affect us today?
- What will treaty not do?
- What are our rights now?
- What is the history of the *Indian Act*?

What will a Treaty not do?

A treaty *will not*:

- Remove any existing programs and services DFN members have access to.
- Remove our constitutional rights to hunt, trap, fish and harvest natural resources – instead of aboriginal rights, they will be treaty rights.
- Affect the rights of other First Nations



Seafood harvest, Tsuquada, July 2016

How does the *Indian Act* affect us today?

The *Indian Act* is the main set of laws through which the federal government oversees Indian status, First Nations governments and the management of reserve land and communal funds.

The *Indian Act* imposes political and societal power under *Indigenous and Northern Affairs Canada* (INAC) – this strictly limits the power of our nation’s government to act in ways that we want. INAC says how we use our lands, how we govern our nation, and what we do with our finances and resources.

We still have the “reserve” system – we do not hold title to our lands! The *Indian Act* means we need permission from Ottawa for any economic development opportunities on reserve.



Seafood harvest, Tsuquada, July 2016

What are our rights now?

Section 35(1) of the Constitution Act (1982) protects aboriginal rights and title. The **Constitution Act** recognizes the unique fact that First Nations people occupied this land before Europeans arrived here.

One of our goals is to reconcile our aboriginal rights and title with Canada's claim to sovereignty.

The Supreme Court of Canada has explained what rights the constitution protects. According to the Court, the Constitution protects:

- Aboriginal title
- Treaty rights
- Aboriginal rights to hunt, trap, fish, harvest timber or sometimes to sell resources harvested

The Court also explains how:

- First Nations people can claim Aboriginal rights such as hunting, fishing, and trapping.
- The Crown can limit or restrict Aboriginal rights and title but must consult with First Nations if their plans might impact our rights and title.
- First Nations, the Canadian and Provincial Governments should settle Aboriginal rights and title claims through treaty negotiations.

What is the history of the Indian Act?

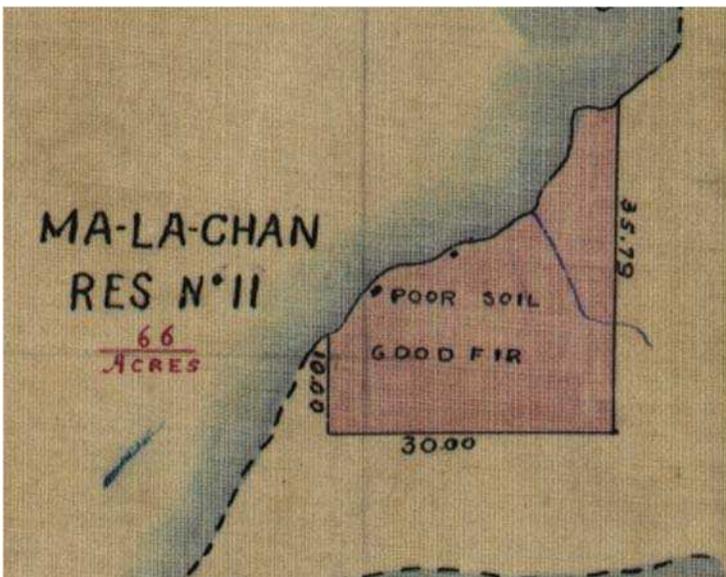
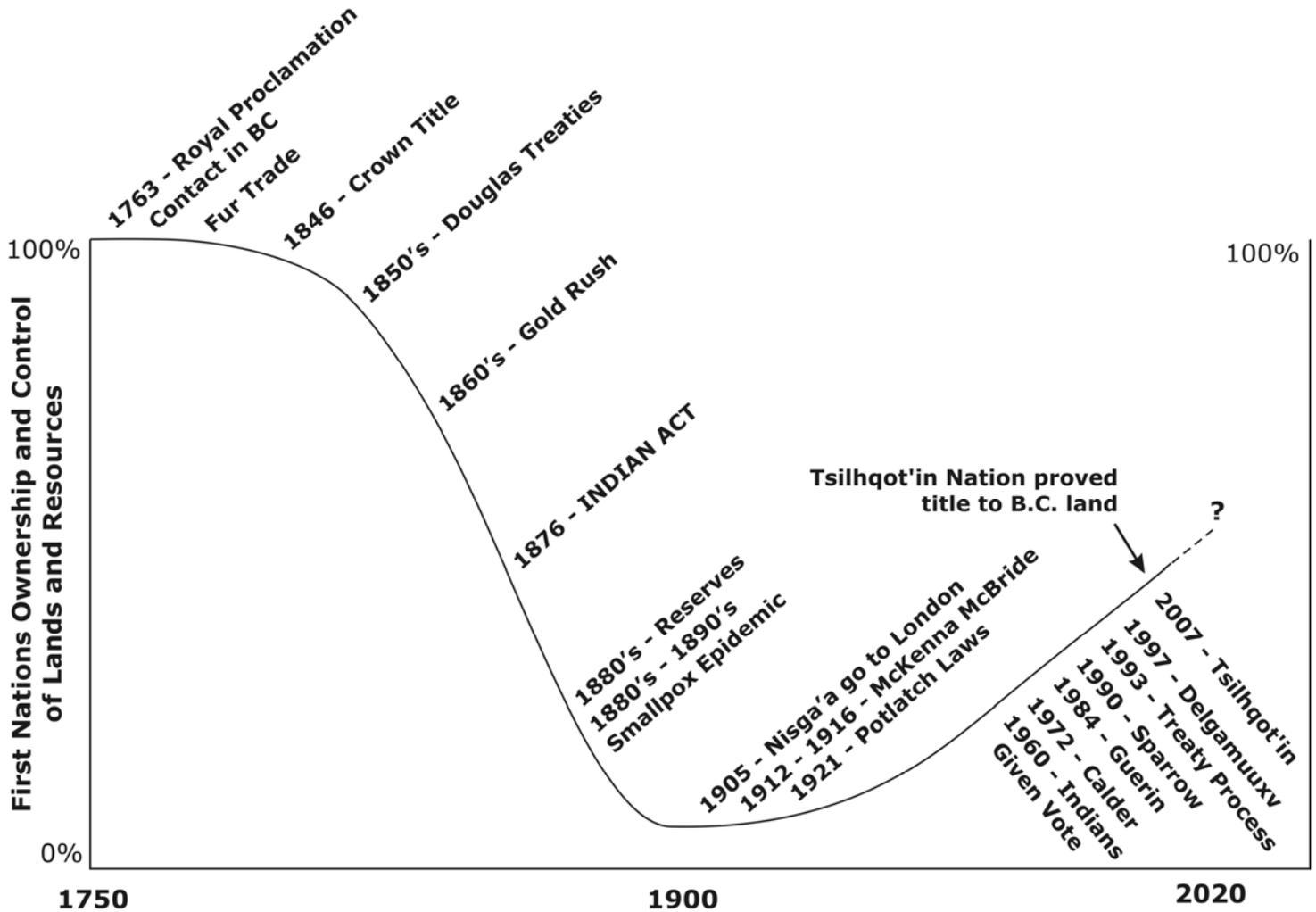
Canada has a long history of colonial and discriminatory practices. In 1876 the first "**Indian Act**" was very wide-ranging in scope, covering governance, land use, healthcare, education, and more, on Indian reserves. Notably, the original "**Indian Act**" did two things affecting all Aboriginal people:

- It said how reserves and bands can operate. The **Act** set out rules for governing Indian reserves, it defines how bands can be created and spells out the powers of "band councils".
- It defined who is, and who is not recognized as an "Indian". The **Act** defines a number of types of Indian people who are not recognized as "registered" or "status" Indians and who are therefore denied membership in bands under the **Indian Act**

The **Indian Act** has limited First Nation culture and traditions which included the banning of potlatch along with other ceremonial traditions. It restricted the voting rights of First Nations people until 1960.

When First Nations were organizing to get the laws change around the turn of the 20th century, the **Indian Act** was used to prohibited First Nations from hiring lawyers and congregating together for any political matter.

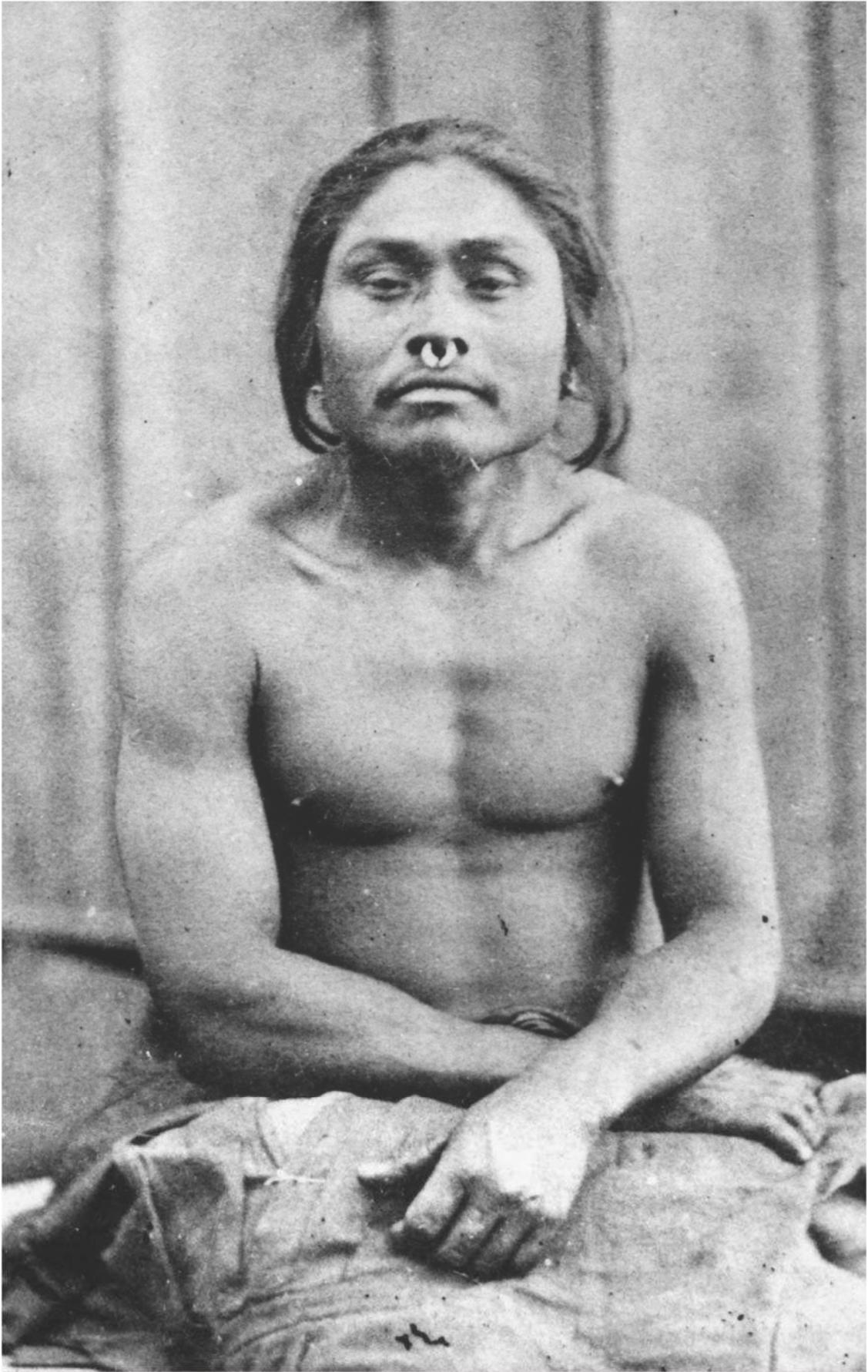
ABORIGINAL RIGHTS and TITLE in BC



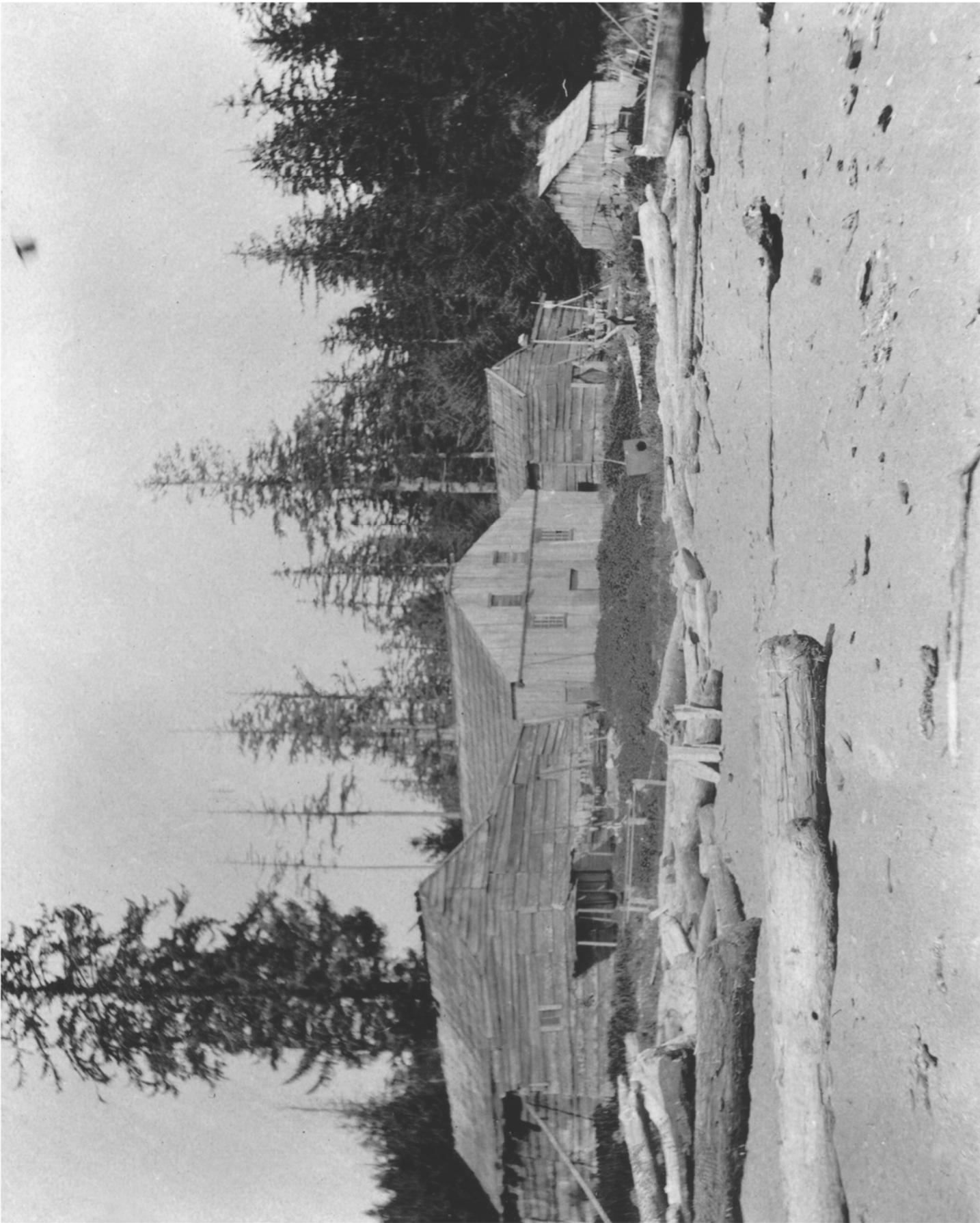
Original map of Malachan Reserve

“Our” reserves were established by the federal government with little consultation with us on how much we needed. At present, they are only “ours” because the federal government says they are. The Indian Act says they are held by the federal government “for the use and benefit of the Indians”, but ownership and the uses and benefits are still controlled by Ottawa.

With a treaty, all the reserves would become truly ours, along with the lands we are negotiating to become “Treaty Settlement Lands”, where we will have complete control over what happens.



Arn-arkt-Uin, no date, BC Archives



Tsuquada, no date, Provincial Archives



Richard Tate Memorial Potlatch, October, 2008

How has the Indian Act Changed?

The period immediately following the Second World War involved much societal introspection in Canada, and led to a reconsideration of some of the more restrictive and oppressive measures imposed by the *Indian Act*.

A series of proposed improvements were rejected or opposed by First Nations peoples because they were not involved in the process. As a result, the government of Canada broke with tradition and through the Joint Committee process, consulted with First Nations communities for the very first time ever about changes to the *Indian Act*.

The attempt to improve the *Indian Act* in 1951 removed some of the worst political, cultural and religious restrictions, but it set new restrictions on status. These new restrictions discriminated against First Nations women. The new restrictions also included the loss of status for a woman marrying a non-status man, it prohibited status people from possessing intoxicants or being intoxicated, and it extended provincial laws to reserve communities.

How will our lives change with a Treaty?

This newsletter concentrated on the *Indian Act* and how it affects our lives and our government. With a Treaty, we won't be "under" the Indian Act and the federal government—the Treaty will clearly define how we will govern ourselves, where and how we pursue economic development and spend our money, and a lot of other things.

We'll be working hard over the next few years to meet with you at community and family meetings and sending information out by newsletters, facebook, web site, etc. to engage with you about those changes.

Other news..

The grand opening event in Port Alberni went well! There were 25 people in attendance, celebration songs were performed by Phillip and Aaron Edgar. Near the end of the gathering they made a joint donation to the office, a model of a transport canoe, to symbolize that we must all paddle together, in harmony, as we make our journey towards treaty.