

BC First Nations Governance Backgrounders

These backgrounders provide introductory background information about a number of important topics that relate to First Nations laws, governance and history. They are intended to be a starting place for beginning to understand these significant topics.

They can be used by teachers and by students as appropriate.

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BACKGROUND**1. First Nations in British Columbia**

The original inhabitants of what is now British Columbia are incredibly diverse.

This is apparent in the number of different Indigenous languages spoken around the province. There are more than 30 different languages, in 61 dialects, all rooted in a dozen unique language families.

Today there are about 203 First Nations communities in BC, making up a third of all First Nations communities in Canada.

Many First Nations hold similar values and worldviews, but each is distinct and unique. Each First Nation has its own language, culture, laws and social orders – its own history.

First Nations' distinctiveness arises from their particular relationships with the land in the specific places where they live. Their relationship with the land gives rise to of their societies, and to their diverse systems of government.

Nearly 200,000 people in the province identify themselves as First Nations. First Nations communities, generally located on an Indian Reserve, have a local government which runs the affairs of the community, similar to a municipal government. However, some members of the community may live away, often in urban centres.

Most individual First Nations identify with a larger group based on family and language connections. These are usually referred to as Nations. For example, the Gitga'at First Nation is a member of the Ts'msyen (or Tsimshian) Nation.

The relationship First Nations have with the federal and provincial governments is in many ways different from First Nations in the rest of

Canada. BC's peculiar history has meant that historically very few treaties were signed. At the same time, they were cleared from their lands and lost access and economic benefits of their natural resources. Many First Nations describe their lands as "unceded."

For the last 150 years, First Nations have protested and resisted government policies. They relentlessly fought to have Indigenous Rights and Title recognized, and have the Land Question reconciled.

Only in recent years has progress been made. This has largely been as a result of landmark court cases which have pressed federal and provincial governments to make changes.

Today First Nations are actively pursuing self-government on a number of different fronts. Some are patiently negotiating comprehensive treaties that will remove them from the jurisdiction of the Indian Act.

Some First Nations are working to exert control over various sectors of programming in their communities, such as education, health care, and resource management by signing sectoral governance agreements with the provincial and federal governments.

"Aboriginal" and "Indigenous" are terms for three distinct peoples in Canada: First Nations, original people of most of the country. Inuit, the original people of the Arctic, and Métis, peoples who identify with a particular mix of both Indigenous and European heritage.

Indigenous and First Peoples are the preferred terms when speaking of all three. However, some people and organizations still use Indian and Native to describe themselves.

BACKGROUND**2. Traditional First Nations Societies**

In First Nations societies, spiritual, social, legal, political and economic systems are not separate. They are all interconnected with the ways that people use and take care of their land and resources.

Family

In many First Nations, the family is the foundation of the society. It includes multiple generations of relatives, including parents and children, aunts and uncles, grandparents and great grandparents.

In the past, a family had a leader who may have inherited the position or may have been chosen through consensus by the rest of the family.

Usually the family lived together, often in one large house. On the Northwest Coast, as many as 100 related people may have lived in one longhouse or bighouse during the winter. In the Interior Plateau, smaller groups of families lived together in the winter in pit houses. Families in some Nations are called House Groups in English, though each First Nation has proper words in their own language.

In these societies, stewardship of the land and its resources was often the responsibility of families which had their own particular territories for harvesting different resources throughout the wider territories of their people. Families moved from site to site over the seasons to harvest and process resources as they became available.

Families depended on their lands to provide food and other necessities, and also as sources of economic wealth. Families could build wealth and power through hard work and the benefits of resource-rich lands.

Clan

Many First Nations also have a Clan system which organizes people into larger groups based on certain family lines or kinship. Each Nation has its own words to describe their Clans, and its own understanding of the role of the Clan in their society.

Clans are almost always given names from the natural world; commonly they are named for animals, but a few are named for plants or features of the sky.

Each family, clan and village has a history passed down through the oral tradition of the Nation. Most trace the origins of the group to the time of transformations, when animals could take human form, or when the land as we know it was created. Dances, regalia and ceremonial items usually connect back to the Clan's origin stories.

Village

In the past, several related family groups gathered at certain times of the year, especially during the winter. They worked together to create a community or village. Often there was one leader of the village. This could have been the most powerful or most respected family leader, or it could have been an inherited position. This leader was supported by a council of advisors made up of family leaders and elders.

Today in many First Nations, governance of the land and its resources is still the responsibility of the family, House Group or Clan.

Each family, Clan and village has a history passed down through the oral tradition of the Nation. Dances, regalia and ceremonial items usually connect back to the Clan's origin stories.

BACKGROUND**3. Traditional Laws and Governance**

Since time immemorial, First Nations occupied what we now call British Columbia as sovereign, autonomous Nations. They lived by their own laws and systems of government.

These laws and governments reflected the diversity of cultures and the lands where they lived. They met the needs of the people to flourish in their traditional territories. Many of these systems still exist and are practiced today.

Legal Traditions

As in any society, First Nations societies developed standards of behaviour for relating to the land and to each other. These became legal traditions – unwritten laws and protocols that everyone in the society would have understood and generally abided by.

Some of these laws have spiritual dimensions, sometimes called “natural law.” They are embedded in the worldview held by many Indigenous Peoples that they were placed on the Earth to take care of the land and its resources. This responsibility to the land forms the basis of many values and practices.

Other important values inherent in customary Indigenous laws are reciprocity and respect, both in relation to nature, and in relations with each other.

The unwritten laws and legal traditions of First Nations societies have always been passed down orally. They are embedded in oral traditions and other cultural practices.

Governance

In most First Nations cultures, political life was inseparable from their spiritual, economic, and cultural lives.

Traditional governance valued both the collective and the individual. People had a strong sense of their responsibility to the community, and when taking action, they act as one.

They may also have had an equally strong sense of personal autonomy and individual responsibility, depending on their role in the society.

Each Peoples’ values influenced its form of governance. In some Nations, consensus decision making was key, where everyone had a chance to speak and discuss the issues. In other Nations, there was a hierarchical order of individuals who had decision-making authority on behalf of the people.

Values also influenced how justice was enacted. People generally had the right to act independently, unless it threatened the balance or harmony of the community. Justice was at first dealt with individually, often by Elders. If the person continued to ignore their responsibilities, then the community would come together to impose a punishment.

There was day-to-day governance within a Nation, but there were also important public ceremonies like feasts and potlatches where important matters were conducted, protocols were displayed, and the proceedings approved by important witnesses.

Colonialism had a profound impact on these governance systems and legal traditions. They were undermined by the imposition of Band Councils and the Indian Act. Today First Nations are actively rebuilding their traditional laws and incorporating them into new forms of governance.

BACKGROUND**4. Language and Oral Traditions**

BC First Nations have one of the highest number of distinct languages in the Americas, and this reflects the diversity of cultures, traditional governance systems, and the distinctiveness of each Nation.

Oral tradition is the recording and transmitting of cultural and other knowledge and information through the spoken word, from one generation to the next.

Oral traditions include every aspect of First Nations societies, including laws, protocols, beliefs, customs, histories and all other forms of cultural knowledge. The languages that carry the Oral tradition each has its own ways of expressing ideas, values and worldviews that are typically not easily translated into English.

Some people mistakenly believe oral societies lack a history. For example, the word “prehistory” is defined as “before there were written records.” However, oral societies have well-developed mechanisms for accurately recording and recalling their origins, histories and connections with the land.

Story

One of the main vehicles for Oral Traditions is Story. The narrative form successfully binds ideas and details of knowledge that make them easier to remember. Each First Nations language has words for different types of stories.

Stories can teach and entertain. In the past they were regularly told in family gatherings in the evenings. They passed on cultural values, family histories, and respect for the land. Some stories are considered special or sacred, and can only be told by certain people or at certain times.

Story and the Land

Stories often connect families with their territories; they validate connections to the land. Most First Nations families, clans or communities have origin stories that trace the founding of the group on their territories to the beginning of time.

The oral tradition also includes important rights, privileges, responsibilities and names that are connected to the land, and to the origin stories.

These origin stories and names are acknowledged and passed on at public ceremonies such as potlaches or feasts. They are often represented in performances that include dance and song, using masks and regalia which all connect with the origin story.

Colonialism resulted in a devastating loss of First Nations languages, through Indian Residential Schools and other forces. Many languages in BC are endangered, with few fluent speakers.

The loss of language has had a domino effect. The expressions and nuances of language, unique to a culture, are lost. Identity and knowledge of the past are weakened. Traditional governance may have additional challenges when language foundations are lost.

Today First Nations people use both oral and written forms as they rebuild their traditional languages. But the oral tradition is still the most important way of communicating people’s histories and connections with the land, and is the preferred mode in ceremonies and traditional governance practices.

BACKGROUND**5. Traditional Leadership**

Each First Nation has words in its own language to describe the leadership positions and roles in their Nation. In English, the word “Chief” is commonly used. However, this word conceals the diversity of different types of leadership roles that were held in a community, and the cultural nuances carried by the words in their own language.

Hereditary Leadership

In some First Nations, a hereditary system is used to select leaders. The position is usually inherited from either the mother’s side of the family (matrilineal descent) or the father’s side (patrilineal descent).

With the inherited position, the leader usually takes the name of the previous leader, along with the rights and responsibilities associated with managing the group’s lands and resources.

First Nations with hereditary leadership were typically highly structured. People were ranked on a social scale, and those with higher ranks generally formed the leadership.

These ranked societies developed on the coast where the wealth of resources including salmon and cedar brought about highly ordered societies. They have a complex system of clans and subclans, all oriented to managing the resources of their individual territories.

Consensual Leadership

Other societies select leaders by consensus. They were usually more egalitarian societies, located in the interior and north of the province. In these societies, if a person worked hard and earned the respect of the community they could achieve a position of

leadership. In some cases the entire community selected the leader. In others a council of advisors chose a new leader through consensus.

Leadership Qualities

However the leadership was structured, there were some general characteristics of leaders that were expected.

In most societies, leaders were not considered to be above the rest of the community. They were responsible to and acted on behalf of the community.

Leaders modelled the qualities and behaviours that were expected of others. These included humility, hard work and respect for the land. In fact, managing the resources to keep a balance between natural laws and survival of the community was a main responsibility.

Role of Advisors, Elders and Matriarchs

In traditional governments, leaders did not act alone. They usually had a council of advisors to help make decisions. These could be Elders or heads of extended families.

Communities depended on certain people who were authorities and custodians of the legal customs and traditions. Usually this was the role of Elders who were trained to share and pass on their knowledge.

Traditionally, leaders were usually men. However, matriarchs were an important influence in the community’s decision making. They held great respect, and in many ways acted in the same way as leaders. They advised the community and helped managed the land and resources.

BACKGROUND**6. Public Witness: Feasts and Potlatches**

Central to most First Nations societies was a cultural institution that brought groups of people together to witness and acknowledge important events and proceedings. This was a core institution for governance.

Such public gatherings are often called feasts in English, but First Nations have words in their own language that give names to specific types of feasts, depending on their purpose. For example, it could be a wedding feast, a naming feast, a memorial feast, or a settlement feast.

Feasts were, and still are, public institutions that connect First Nations spiritual lives, governance, economy, politics, land management, and family or clan history through ceremony, oratory and public witness.

In some First Nations cultures, certain feasts are called potlatches. This is a well-known aspect of many coastal First Nations' cultures.

Feasts and potlatches all are built around cultural protocols, sometimes called "Laws of the Feast House." Each First Nation has its own laws and customs which are important for passing on its identity.

Generally, the Laws of the Feast House express who the people are, their stories that connect them to their ancestors, and acknowledge their lands and resources.

Most feasts and potlatches include the important feature of food, gifts and witnesses. Guests to the Feast House are served with bountiful amounts of food. Often the food has been harvested from the territories of the host family or clan. The hosts announce publicly the source of the food served to the guests.

Part of the proceedings includes the passing out of gifts from the host family or clan to its guests. Depending on the nature of the potlatch, these gifts can have great value.

The role of the guests is to act as witnesses to the important events that take place, and therefore key players in oral traditions. By accepting the gifts, guests acknowledge, recognize and remember the events. For example, they acknowledge the host's rights to manage their resources and territories. As well, the gifts are seen as an investment. There is an expectation that they will be returned to the hosts in the future.

Through feasts and potlatches, family and clan histories are kept alive. Sacred stories linking ancestors and territories are performed in dance and song for the guests. Artists create masks and regalia that dancers wear to create the dramatic performances.

Newcomers, like missionaries and Indian Agents, only saw the surface of feasts. They had little understanding of the protocols nor empathy for the deep cultural meaning. They interpreted the ceremonies through their own worldview, which saw the gift giving as an extravagant waste and the performances as pagan rituals. The Canadian government made these important institutions illegal through the Indian Act. This law was only repealed in 1951.

Despite being banned, and in some cases people being sent to prison, feasts and potlatches have endured. In some communities they were conducted in secret, or disguised as other types of community gatherings.

Today public witnessing ceremonies like feasts have largely returned to prominence as key cultural institutions.

BACKGROUND**7. *The Indian Act***

The principal tool of colonialism in Canada was the Indian Act. It is a law that evolved over time and set out the federal government's powers over many aspects of the lives of First Nations. This includes lands and resources, education, governance and personal property.

Under the terms of Confederation, First Nations were considered to be wards of the federal government. Canada acted in a parental role. The Indian Act describes the powers and responsibilities of Canada to regulate and support First Nations communities.

The Indian Act, when it was first passed in 1876, was supposed to be temporary. Many believed that First Nations would simply become assimilated into mainstream society.

One of the methods for assimilating Indigenous people was to turn them into farmers. A number of provisions were put in the Indian Act to help the transition to an agricultural life style. These included making loans to purchase livestock or machinery, and operating government-run farms on Reserves to teach the people about farming methods.

The Act also said that if a Band did not farm their reserve land, the government could hire outsiders to come in and farm it. Profits made from farming on reserve land, either by the community or outsiders, went directly to the Minister of Finance in Ottawa.

Under the Act, the community itself had almost no control of money made from the sale of resources such as cattle, hay or timber from their reserves. The money went to Ottawa. Further, if people did grow or harvest products

to sell, they had to get a permit from the Indian Agent before they could take it to market.

Some BC First Nations did participate in farming, particularly in cattle ranching. However, for many First Nations, farming was not even an option. Territories on the rocky coast, the Interior mountains and the boreal forests of the north have little arable land. And in more fertile regions of the province, the reserves were often placed on the least desirable land.

Despite these and many other discriminatory laws, as well as enticements to "give up" their Indian Status, First Nations survived. The tenacious strength of First Nations people to hold on to their cultures and identity has meant that the Indian Act did not work to assimilate them. Ironically, until recently it has been one of the few documents that acknowledges the unique relationship between First Nations and the rest of Canada.

The Indian Act has been amended many times over the years. At first, it became more and more restrictive. Important cultural ceremonies like the potlatch were banned. The Indian Residential School system was devised. It became illegal for First Nations to hire lawyers to pursue their land claims.

Following World War 2, many restrictive elements of the Indian Act were removed, but many discriminatory policies remain. The last major revisions were made in 1985.

Today the significance of the Indian Act is slowly eroding as other federal and provincial laws are put in place, as First Nations resume the exercise of their inherent right of self-determination.

BACKGROUND**8. Indian Reserves**

A common practice in many colonized countries was to set aside certain lands specifically for its Indigenous peoples. This happened in British Columbia, beginning in colonial times around settled areas.

After BC joined Confederation in 1871, officials worked to allocate Indian Reserves for all First Nations throughout the province. There were two main periods of reserve creation.

Original Reserves were made in the late 1800s. Not surprisingly, First Nations protested being forced to live on Reserves, while at the same time their Indigenous Title was denied.

This led to what is called the McKenna-McBride Commission, between 1913 and 1916. New Reserves were added, but some original reserves were “cut-off” and given back to the province.

Disputes arose because, while the Federal government was responsible for managing “Indian” lands, Indian Reserves would have to come out of provincially controlled land. The province enforced a paltry allocation of acres per person compared with the rest of the country.

Today most First Nations have their main community on the principal reserve for their Band. In some cases this is an ancestral village site, while in others they settled in a new spot within their traditional territories.

Most Bands or First Nations also have additional reserve lands that were created at fishing or other harvesting sites.

In most of the rest of Canada, Indigenous title was recognized by treaties to surrender their

lands. However, the British Columbia government consistently refused to acknowledge Indigenous Rights and Title. Reserves were established with little consultation or compensation.

Being forced to live on reserves caused huge disruptions for First Nations communities. Most Nations had seasonal harvesting patterns that took them around large areas of their traditional territories. Under the Indian Act they had to set up permanent villages in one location, and build European styled homes.

There were many restrictions around who could live on a reserve – only registered Indians who were members of the Band – and even when people could leave the reserve.

The Pass System was originally instituted to control “rebel Indians,” but in many places it extended to all First Nations. People had to get a permit to leave the reserve from the Indian Agent. This system was policy, not a section of the Indian Act. It was not administered consistently, but was largely left to the Indian Agent to administer.

It is important to note that Reserves are not the same as traditional territories. Reserves are tiny parcels of land, sometimes called “postage stamp” sized plots of land.

Territories are all the land that a First Nations has used and cared for over many generations. Also note that reserves are not the same as reservations, which is the term used in the USA.

BACKGROUND**9. Citizenship**

Who is a citizen of a Nation? A key component of a governance system is determining who belongs to the community.

Before contact, First Nations communities were autonomous and always decided their own citizenship. However, the Indian Act imposed new definitions of citizenship.

Under the Indian Act, citizenship is defined in terms of membership in a Band. People who fit the criteria for belonging are termed Status Indians.

This is how the first Indian Act, 1876, defined membership in a Band:

The term “Indian” means:

First. Any male person of Indian blood reputed to belong to a particular band;

Secondly. Any child of such person;

Thirdly. Any woman who is or was lawfully married to such person.

The patriarchal policies of the Department of Indian Affairs created an artificial body of citizens. Status centred on the men of the community. If a man married a non-Indigenous woman, she gained status. However, if a woman married a non-Indigenous man, she *and* her children lost their status.

Status Indians were considered to be wards of the government, and they had few rights held by other Canadians citizens. They could not vote and they could not own property.

To achieve its goal of assimilation, the Canadian government, through the Indian Act, tried to convince First Nations to give up their Indian Status. A man could choose to become a full Canadian citizen (and gain the rights of a citi-

zens, such as the right to vote in federal elections), but would lose his status. His wife and children would also lose their status. This was called Enfranchisement.

Few First Nations chose Enfranchisement. This shows you how important it was for people to hold on to their Indigenous identity, even under the Indian Act.

However, some First Nations became Enfranchised whether they wanted to or not. A person with Indian Status who went to university involuntarily lost their status. Also, First Nations people who joined the military to serve in World Wars 1 and 2 lost their status.

Until 1985, the determination of Band membership was made only by the federal government. Today, however, a Band can take back control of its own membership. (However, determination of Status is still held by the Crown.) Control of membership can be done in two ways:

One is for Bands under the Indian Act to develop a membership code that the majority of Band members approve. The other is for First Nations who negotiate a form of self-government. Their treaty or agreement will include responsibilities for citizenship.

Bill C-31, which enabled Band control of membership, also amended the Indian Act to restore Indian status to women and children who had lost status due to marriage.

This Bill enabled many people to regain legal recognition of their First Nations heritage. However, the processes involved in applying to regain status have proved difficult for some people.

BACKGROUND**10. Band Council**

The Band Council is a governing body for an Indian Band, a First Nations community governed under the Indian Act.

The Band Council is typically comprised of a Chief Councillor and council members, who are elected by members of the Band. The roles and responsibilities of the Band Council are dictated by the Indian Act and federal government policies.

The Band Council was introduced to replace traditional forms of leadership selection, such as inheritance and consensus. It is a “one-size-fits-all” solution of early Canadian governments to assimilate First Nations into the cultures of the colonists.

The Band Council structure ignores the fact that First Nations had a diversity of successful governance systems long before contact.

Although elected by the community members, the Band Council is ultimately accountable to the federal government.

All final decisions regarding most aspects of community life, development and finances in the past were handled by what was then called the Department of Indian Affairs in Ottawa.

Some communities tried to maintain their traditional forms of hereditary leadership.

In the past, the elected Chief and Council had few real powers to run their communities. The 1876 Indian Act listed a few items of local jurisdiction they were allowed to make, but even these had to be confirmed by Ottawa.

However, the Indian Act was quickly amended to decree that hereditary or “life chiefs” had

to be elected before they could exercise any powers. It also prohibited chiefs from being re-elected.

Women could not vote in Band Council elections until 1951.

Over time changes have been made to Band Council governance, but control is still held by the Government of Canada today.

In the 1970s and 1980s, Indian Agents were removed and Band Councils were allowed to run their own meetings and set their own agendas. However, they were still responsible to Ottawa.

Many First Nations people live outside their home communities. Until 1999 they could not vote or run for office in Band Council elections. That year the Supreme Court of Canada in the Corbiere case said that all members of a Band had the right to vote.

One of the problems with the Band Council system is that it calls for elections every two years. Such short terms of offices often cause instability in government. As well, any appeals about the results of an election go to the federal Minister, not to the courts as is the case in other elections in Canada.

In 2014 the First Nations Election Act was passed. Communities with Band Councils can choose to follow this act. Among the improvements it makes are elections every four years and an appeal process through the courts like other municipal, provincial and federal elections.

Despite these changes, this is still a structure of governing imposed by the Canadian government.

BACKGROUND**11. Self-Government**

For millennia, First Nations were self-governing and had a governance system appropriate to its circumstances and needs. But under colonialism and the *Indian Act*, First Nations were forced to follow a single governance model.

Today, First Nations are re-establishing their own governments. There are many factors involved in exercising self-government.

Comprehensive Governance Arrangements

First Nations' right of self-government is inherent and not contingent on recognition by the Crown or others. However, they also recognize that to have legal clarity and reconciliation in Canada, which can be set out in a formal agreement with the Crown.

To achieve this, First Nations may negotiate sectoral or comprehensive governance agreements with Canada and/or British Columbia. This may be done through a modern-day treaty negotiated or through another arrangement.

Agreements may address a number of areas of jurisdiction such as education, health, lands and resources and financial and economic management. Or, an agreement may focus on just one sector.

Comprehensive governance agreements may confirm the core institutions of the First Nation's government, including a constitution, governing structures, law-making powers, and citizenship

Moving Toward Self-Government

While exercising self-government through a treaty, agreement or other constructive arrangement is the goal for most First Nations, it can be a slow process. Many factors may come into play, including priorities of the Nation, capacity issues, and political will of the Crown governments to negotiate an agreement..

Indian Act Governance. Some communities are able to use the Indian Act as a first step towards self-government. The main ways this can be achieved are through control over membership codes, custom council elections and making bylaws.

Sectoral Governance. First Nations can negotiate sectoral agreements to take control of specific areas or sectors that are important to the community. These include jurisdictions such as land management, economic development, education, and oil and gas regulations.

Whatever direction a First Nation takes to exercise self-governance, they have inherent responsibilities to their lands, resources, territories and citizens. They have their own laws over certain jurisdictions, such as education, health, social welfare and lands and resource management.

Ultimately, self-governance means that First Nations leaders are accountable to their community, as they will no longer be ruled under the Indian Act.

12. Reconciliation and Indigenous Rights and Title

A fundamental issue that remains largely outstanding in BC today is the reconciliation of pre-existing Aboriginal sovereignty with the assertion of sovereignty by provincial and federal governments (the Crown).

The fact that First Nations were here first and have inherent Indigenous Rights and Title must be reconciled with what the Crown asserts as its rights and powers.

Generally speaking, Indigenous Right and Title are about the First Nations' rights to occupy and use lands and resources in their traditional territories, including for economic benefit. They also include rights to determine their own lives, govern themselves, and to practice and continue their cultures, languages, and legal traditions.

In some parts of Canada, Indigenous Rights and Title were formally recognized through treaties, but the same did not happen in BC. Instead, decades of conflict and litigation occurred over land, resource use and governance powers. Few historic treaties were made, and modern treaty negotiations have been slow.

Early court cases recognized that First Nations had some form of rights. Then Section 35 of the Constitution Act, 1982, was enacted. It states that the “existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.”

Many cases were brought forward testing what this meant. Cases focussed on what are “ab-original rights” and what are the corresponding obligations or restrictions of the Crown.

Much common law (judge-made law) on the meaning of Section 35 has come from BC.

Many milestone court decisions arise from cases in BC, culminating in the historic Tsilhqot'in decision in 2014. This was the first time the Court made a declaration of Aboriginal Title over a specified area of land.

Court cases continue today, but the conflicts and legal arguments made are changing based on the evolution of the law and our understanding of Section 35.

The courts have confirmed that the purpose of Section 35 is “reconciliation” – that is, to reconcile the fact that First Nations were pre-existing societies with inherent rights and title, with the assertion of Crown title and jurisdiction. Reconciliation requires negotiation to agree on who owns what lands, and whose laws apply where.

First Nations in BC have always fought to have their Indigenous Rights and Title recognized and respected, and to reconcile what the federal and provincial governments assert as their jurisdiction. Recent First Nations' successes in the courts have pressured the governments to negotiate based on recognition of Indigenous Rights and Title, rather than continuing to deny their existence.

Today, First Nations communities and individuals are taking diverse paths on how best to protect and exercise their Indigenous Rights and Title. One means for achieving reconciliation is through the BC Treaty Process. A small number of First Nations have signed treaties, and some are participating in the process, but have made little progress. Some are finding ways to revitalize the treaty process. Other Nations choose not to participate in the BC Treaty Process.

