

Glossary

Aboriginal: An umbrella term used in the Constitution Act, 1982, to refer to three distinct categories of Indigenous peoples: First Nations, Inuit and Métis. Often the term Aboriginal is used interchangeably with the terms “Indigenous” or “First Peoples.” Using the term Aboriginal is growing in disuse as people are encouraged to specify First Nations, Inuit or Métis, or use Indigenous.

Aboriginal rights: In Canadian law, Aboriginal rights are collective rights which flow from Aboriginal peoples’ continued use and occupation of areas of land (Traditional Territories). They are inherent rights (i.e. not granted from any external source) that existed prior to European contact. Because Aboriginal peoples are diverse and distinct societies, there is no single definition of what these rights are.

Aboriginal title: An Aboriginal right. It is a legal interest in the land. It includes the right to the exclusive use and occupation of the land. It entails the right to choose the uses to which the lands are put and includes an inescapable economic component.

Acknowledgement of Territory: An acknowledgment is an act of respect of local First Nations and their Traditional Territories. It is a recognition of their presence on the land in the past, present and future. It is usually given at the beginning of a meeting, class, performance or other public gathering. It is the responsibility of the leader, host, or MC of the event.

Assimilation: When a distinct group is absorbed into a dominant society and loses its identity. In Canada, federal assimilation policies were aimed to cause Indigenous peoples to cease to exist as distinct legal, social, cultural, religious, and racial entities in Canada.

Band: a group of First Nations people identified under the Indian Act with lands set apart and whose finances are controlled by the federal government. Today, many bands prefer the term First Nation. Band may also sometimes be used to refer to a traditional First Nations group similar to a village, House Group, or Clan

Band Council: An elected form of government under the Indian Act made up of a chief councillor and councillors. Their authority is set out in the Act and is restricted to relevant Indian reserves.

Ceded territory: lands that one group gives over to another group through a treaty or other agreement.

Colonialism: When a foreign power takes control of lands, territories and people in another region, resulting in an unequal relationship, an exploitation of resources, and policies of assimilation.

Comprehensive land claims: Modern-day treaties made between Indigenous peoples and the federal government. They are based on the traditional use and occupancy of land by Indigenous peoples who did not sign treaties and were not displaced from their lands by war or other means. These claims are settled by negotiation. They include a variety of terms relating to money, land, governance, resources, language and culture. Treaties are constitutionally protected, mutually binding agreements.

Crown: A term referring to the state, or the government of the state, derived from the historical relationship between Canada and British monarch who is the head of state.

Crown land: Lands that are held by Canada or the provinces.

GLOSSARY

Customary law: The body of unwritten laws based on thousands of years of cultural practices followed by First Nations, resulting in diverse protocols, rules for behaviour, customs and practices.

Department of Indian Affairs (DIA): The historical name of the department of the government of Canada with responsibility for policies relating to Indigenous peoples in Canada. In 1965 it became its own ministry, called Department of Indian Affairs and Northern Development (DIAND). This later became Indian and Northern Affairs Canada (INAC). In 2011 the department's name was changed to Aboriginal Affairs and Northern Development Canada (AANDC). This became Indigenous and Northern Affairs Canada (INAC), then in 2017 two new departments were created: Crown-Indigenous Relations and Northern Affairs Canada, and Indigenous Services Canada.

Doctrine of Discovery and the concept of *terra nullius* (blank slate): used by colonizers as justification to declare their right and supremacy over the First Nations lands and forcibly displace First Nations people.

Elder: A respected position of importance in Indigenous communities, held by those whose wisdom and knowledge guide and support the community. Being an Elder is not defined by age, but rather because they have earned the respect of their community through wisdom, their actions and their teachings.

Elected chief: The Chief or Chief Councillor of a contemporary First Nations community, the leader of a Band Council or other modes of self-government.

Feast: A general term to refer to many different types of formal gatherings held by First Nations to carry out a variety of important cultural, social, economic and political matters in a public forum. See also Potlatch.

Fiduciary duty, fiduciary obligation: Generally, a concept used by Canadian courts when a person is entrusted to look after the best interests of someone else. The trusted person (fiduciary) has a duty to be loyal and act with honesty and good faith. The courts have held that the Canadian government has a fiduciary relationship with, and to, First Nations.

First Nations community: Often the main settlement of a First Nations band on a reserve. Many First Nations prefer “First Nation” rather than “First Nations community.”

Hereditary Chief or Leader: A role or title passed down between generations according to the customs and protocols of the Nation. They may be raised to exhibit certain qualities and hold a position of influence. Rules of how the title is passed down vary among Nations.

House Group: A form of social organization in some First Nations in which large extended families are connected by shared territories, oral traditions, and inherited names.

Indian: A term that has been used historically by explorers and settlers to identify Indigenous peoples in South, Central and North America. In Canada, the term has legal meaning in the Indian Act, which defines who has Indian “status” for purposes

GLOSSARY

of the Indian Act. For some Indigenous peoples, the term “Indian” confirms their ancestry and protects their historic relationship with the federal Crown. For others, the definitions set out in the Indian Act are not affirmations of their identity. In terms of these curricular resources, Indian is used in historical and legal contexts. For example, it is the Indian Act which still has legal and governmental importance today.

Indian Act: A Canadian act of Parliament that concerns registered Indians, their bands, and the system of Indian reserves. Since its creation in 1876, it has controlled many aspects of economic, cultural, educational and personal lives of First Nations people.

Indian Act Band: See Band Council.

Indian Agency: An administrative unit of the Department of Indian Affairs in the past. Each province was divided into regions called agencies, usually based on geographical and linguistic groupings. Each agency had an Indian Agent who was responsible for the status Indians within that agency. The number and location of agencies changed over time. The first agencies in British Columbia were created in 1881, with six agencies. By 1913, there were fifteen agencies. Indian agencies continued to operate until 1969.

Indian Agent: The local representative of the Federal Government and the Department of Indian Affairs, responsible for administering the Indian Act on the reserves in his jurisdiction. Agents held a great deal of power in the daily lives of First Nations people, and approved or vetoed any actions of band councils. Most details of what might be considered municipal governance had to pass through the Indian Agent. Some agents tried to be proactive for the First Nations in their agencies, as far as the Indian Act allowed. Much depended on the character and beliefs of the individual agents; some were more enlightened than others. Until 1910, BC Indian Agents reported to the Superintendent of Indian Affairs of British Columbia. After that they reported to officials in Ottawa.

Indian Residential School Settlement Agreement: Starting in the 1990s, Indian Residential School survivors began to take legal action to get compensation for abuses they had suffered. The number of claims continued to grow, and in 2002 a National Class Action was filed for compensation for all former Indian Residential school students in Canada, as well as their family members. As a result of further judgments by the Supreme Court going against Canada, and the overwhelming number of lawsuits seeking compensation, Canada and nearly 80,000 survivors reached an agreement, called the Indian Residential School Settlement Agreement, in 2005. It was ratified in 2006 and implemented in 2007. Out of this agreement came the commitment not only for individual compensation, but for the creation of the Truth and Reconciliation Commission, and moneys dedicated to a healing process.

Indigenous: The original people of a territory or region. In Canada the term may be used interchangeably with “First Peoples” or “Aboriginal.”

Indigenous rights: The inherent and original rights of First Nations, Inuit and Métis people as autonomous, self-determining people, not granted by a government, and affirmed under the Constitution Act, 1982. See also Aboriginal rights.

Indigenous title: The inherent right to ownership and jurisdiction of First Nations over their traditional lands and resources. See also Aboriginal title.

GLOSSARY

Inherent right: A fundamental, natural right that originates with a group of people, and does not come from any external source.

Land: Has several meanings, such as real estate or the soil; in this document it refers generally to the whole of the natural world that encompasses First Nations traditional territories, including the geography, the plant and animal life, and the water and skies.

Matriarch: A respected woman who acts as a leader for a First Nations community, providing advice, wisdom, and in some First Nations societies, decision-making powers.

Oral history: The narratives in which the knowledge of a people is held and passed on from generation to generation.

Oral tradition: The means of recording knowledge through the spoken word rather than the written word; including laws, beliefs, customs, histories and all other forms of cultural knowledge.

Pass system: A system of control implemented by the Department of Indian Affairs between 1885 and 1951, which forced First Nations to get permission from the Indian Agent before leaving their reserve. Levels of enforcement varied from agency to agency.

Potlatch: A word commonly used today to describe traditional ceremonies involving sharing of wealth and resources. See also, Feast.

Reserve: An Indian Reserve, as defined by the Indian Act, is “a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band.”

Section 35 Rights: Some Canadian Indigenous people use this term to refer to Aboriginal Rights or Inherent Rights that are entrenched in Section 35 of the Constitution Act.

Sectoral Agreement: An agreement between a First Nation and the governments of Canada and/or a province regarding who has jurisdiction regarding a specific sector (e.g. forestry, education).

Self-determination: The rights of a community to determine what is best for them. Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Self-government: In an Indigenous context, self-government is the formal structure and processes that Indigenous Nations or communities may use to control the administration of their people, land, resources and related programs and policies. These may be set out in agreements with federal and provincial governments.

Self-government agreement: Typically, an agreement reached between a First Nation and the federal government and, possibly, a provincial government, that sets out their respective authorities and whose laws prevail in what circumstances.

Sovereignty: The authority of a state to govern itself, without any interference from outside sources or bodies.

GLOSSARY

Speaker: In First Nations societies, a person chosen by the leaders of a family, clan or community to speak for them at public gatherings.

Specific land claims: Land claims which apply to specific issues relating to the reserve lands of a First Nation under the Indian Act.

Tradition, traditional: Cultural practices and institutions that have been followed in the past that are not static but are continually evolving.

Treaty: A voluntary agreement between two or more nations that involves mutually binding obligations.

Truth and Reconciliation Commission of Canada: The Truth and Reconciliation Commission was established as part of the Indian Residential Schools Settlement Agreement in 2008. Thousands of survivors, their families and others across Canada made statements to document memories of the schools and their impacts. An Interim Report was released in 2012. The Final Report was delivered in 2015 including 94 Calls to Action. The statements, documents and other materials are housed at the National Research Centre on Indian Residential Schools at the University of Winnipeg, where the work of the Commission is carried on.

Unceded territory: Lands that have not been surrendered or transferred ownership. See also Ceded territory.

Welcome: A welcome is a public act made by members of the First Nation on whose territories an event is taking place. The form of the welcome depends on the particular protocols of the Nation. It may be a welcoming address, a prayer or in some gatherings, a traditional dance or song.

