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# **Native Indians' Quest for Self-Government in Canada: Perspectives and Prospectus**

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The colonization of Americas by European powers had adverse effects on the Native Indian communities inhabiting the continents. With the occupation of their lands and destruction of their traditional institutions, the Native Indian communities lost their political autonomy and economic self-reliance and became passive subjects of alien rule within their own territories. Although their status in Canada was better than what it was in the USA, Central America and Latin American countries, the Native Indians in Canada were not treated as citizens for over a century. The Indian Act passed in 1876 could not mitigate the plight of the native communities, affected by unrestricted immigration, deceptive treaties, brutal repression, disease and deaths. Under the Indian Act regime, the Native Indians who call themselves the First Nations became wards to be protected and treated paternalistically by their 'benevolent' masters. The Indian Act did not allow the Indians to become self-sufficient and truly empowered. The band councils, envisaged by the Indian Act gave little powers or resources to make bylaws, policies and programs. Canadian government used the Indian Act to deny Canadian citizenship to the status-Indians and insisted on those who sought Canadian citizenship to give up the Indian status. Contrary to the Canadian government's claims, the Act remained a piece of racist legislation and a symbol of discrimination. Despite frequent amendments to the Indian Act, there was little change in the status of First Nations till the World War II. In the background of the history of deprivations, denials and discrimination that the aboriginal communities had experienced in Canada, the present paper focuses on the post-war developments in Canadian – Native Indian relations and examines how the changing perspectives on Native Indian question have started changing the history of First Nations in Canada.

## **Post-War Initiatives to Accommodate the Native Indians**

The attitude of the Canadian state towards the Native Indian communities began to change for the better after the Second World War. Apart from amending the Indian Act to purge discriminatory racist practices the Government of Canada constituted several expert committees and commissions to study the status of the aboriginal

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communities in Canada and make appropriate recommendations for improving their socio-economic conditions. Following the recommendations of the Hawthorn Committee (1966-67) and the Penner Commission (1983) the band governments were delegated with more powers to administer different welfare and developmental programs for the on-reserve Indian communities. The courts in Canada also played constructive roles in interpretation of aboriginal rights. The Constitutional Act of 1982 recognized the Native Indians, the Metis and the Inuit as aboriginal peoples of Canada and acknowledged the existence of aboriginal rights. The First Ministers' Conferences held in the 1980s sought to find acceptable ways and means to ensure Indian self-government.

In its report the Royal Commission on Aboriginal Peoples (RCAP) suggested the need for reaffirming Canada's respect for aboriginal peoples as distinct nations and called for cooperation and understanding between the First Nations and the Canadian state on the principles of equality, mutual respect, and reconciliation. Later, the federal government in its report, "Gathering Strength – Canada's Aboriginal Action Plan" openly admitted the negative effects of the racial and discriminatory policies pursued by the Canadian governments in the past and expressed its desire to rebuild the relationship with the aboriginal peoples. Subsequently, the federal and provincial governments in Canada have started negotiating comprehensive treaties with the First Nations to settle their land claims and ensure self-government.

Such initiatives on the part of the Canadian state would not have materialized at all had not the Native Indian communities carried on relentless struggles for protection of their identities and rights. They consistently resisted the policies of assimilation and sought to preserve their distinct identity as First Nations. In the late 1960s when the White Paper introduced by the Canadian government sought to abolish their special status Native Indian communities across the country united and fought for recognition of their status and rights as indigenous communities. The indigenous people's struggles picked up momentum again in the late 1970s and early 1980s when First Nations found that their concerns were ignored by the federal and provincial governments while drafting the new constitution for Canada.

In the 1990s also the aboriginal Indians waged many a battle to protect their rights over the land, forests and seas. The idea of Indian self-

government basically evolved in course of concretization of the Native Indians' quest for political autonomy and economic self-reliance. In course of their struggles for justice the native peoples seriously debated among themselves and with other communities about their future as indigenous communities in Canada. Several academicians, intellectuals and social activists participated in the discourse on the future of aboriginal communities in Canada and gave their critical inputs in further development of the idea of Indian self-government. The present chapter critically examines different strands that found expression in the discourse on native self-government and throws light on different experiments taking place among the Native Indian communities in Canada.

### **Debating the Nature of Indian Self-Government**

Almost everyone engaged in the Canadian discourse on Indian self-government agrees that the future political arrangements for the Native Indians cannot be built within the framework of the Indian Act. There is near unanimity among scholars and activists that the Indian Act regime, which is undemocratic, discriminatory, and racist, needs to be done away with. The Indian Act is founded on the presumption that the Native Indians are incapable of understanding their own interests, hence they needed to be guided and led by the Canadian government. Criticizing such racist views, Noel Dyck rightly stated, "The only way to rectify the ravages that Indian bands have suffered is to stop looking for 'experts' and 'master plans' and to refuse to accept the presumption that Indians do not know what is in their best interests." Although most people agree with Noel Dyck, it should be admitted that there is no unanimity among scholars and activists as to *what* should replace the Indian Act regime.

There are many who are quite cynical about aboriginal self-government projects. Tom Flanagan, for example, portrays the self-government projects of Native Indians as disasters, producing wasteful, destructive, familistic factionalism. He expresses the fear that the Indians' stress on "otherness," on incommensurable solitudes, on a multinational definition of who Canadians are, may lead the Canadians to treat each other as strangers with little moral obligation to help each other. Flanagan, who views Native Indian communities only as bands/tribes, not as nations or First Nations, argues that concentration of all powers in band governments poses a threat to individual freedom and is not conducive to economic efficiency.

Melvin Smith, another liberal scholar, also has similar views. In his vision the native policy should be built on two principles: native self-reliance, and equality under the law. Under native self-reliance he advocates jurisdictional integration that would break down the thicket of laws, regulations, and procedures that separate natives from their fellow Canadians and dissolves stereotype attitudes and mindsets. Under the equality principle, he makes a plea for a new policy that honors the existing rights and aboriginal interests as defined by law and the constitution. While admitting the aboriginal rights to reserves and their rights in their established native communities, as permitted by Canadian laws, he also insists on equal treatment of all Canadians under the law. To this end, he recommends phasing out all native programs over time and making existing federal and provincial programs applicable to all native peoples. Smith says that he has no objections if the government concedes to the Indians some kind of delegated municipal model of government similar to that followed by the Sechelt band, but comes out strongly against any special political concessions for the natives. In fact, he took a very critical stand against the Canadian government for concluding the Nisga'a Treaty at the cost of provinces and Canadian citizens. He censured the government for constitutionalizing the land-claim agreement and conceding to the Nisga'as the right to legislate on a wide range of issues.

Similar views critical of governments' current Indian policy are echoed in the writings of scholars like Gordon Gibson, Brian Lee Crowley, Owen Lippert, etc. The theoretical positions of all these scholars are in many ways similar to the ideas of Trudeau, who, in the name of overcoming all discriminatory practices that obstructed the Native Indians from becoming full Canadian citizens, had introduced the White Paper in 1969 recommending an end to federal treaty obligations to the Native Indians.

Native scholars and other intellectuals who believed in and advocated special status for the Native Indian communities reject the ideas advocated by such liberal scholars. For them, any discussion on Indian self-government should be preceded by official recognition of aboriginals' right to self-determination. Aboriginality, Augie Fleras and Jean L. Elliott explain, implies self-determination with regard to relevant agendas. The principle of aboriginality legitimizes the restoration of sovereignty in internal affairs. Self-government is the

primary means by which aboriginal identity, social organization, and community rights are maintained and sustained. In their view, protection and retention of aboriginal languages and culture, promotion of social and economic development (including education and health), and the preservation and control of a territorial base and its resources are essential requirements of aboriginal self-government. Going further, Gabrielle A. Slowey says:

To restore the dignity owed to Aboriginal peoples requires a conscious effort on the part of the federal government to sincerely address historical wrongs. It does require respect for history, for legacy, for tradition and for identity, which would serve to restore Aboriginal peoples to their place alongside Canada as First Nations.

Advocating the approach of direct consociation to the native question in Canada, Michael Asch claims that his secessionist thesis begins by accepting the premise that aboriginal nations were sovereign at the time of contact and that their sovereignty remains unextinguished until it is changed by mutual consent. This thesis assumes that any transformation of sovereign status is based on negotiations and finds its language through a treaty between nations.

Some radical scholars like Menno Boldt see self-government as much more than Native Indians taking positions and shouldering the responsibilities earlier held by bureaucrats. According to him the institutional structures have their own logic, hence a mere change of the state personnel does not guarantee that the entrenched norms of paternalism, authoritarianism, self-interest, and self-aggrandizement by office-holders will be eliminated. In his view, for self-government to be worthy of its name, Indians will have to revive the communal patterns of the past and jettison the formal, bureaucratic institutions imposed by the Indian Act. Dubbing the present Indian leadership a ruling class, Boldt openly states that elitism and classism run counter to the traditional structures of communalism and the attendant empowerment of the people. According to him moral justice demands that Indian leaders must discard the principles and structures of Canadian political institutions and "relearn how to govern themselves according to Indian traditional philosophies and principles." Pursuit of such a goal requires revival of communal patterns of the past and jettisoning of the formal, bureaucratic institutions imposed by the Indian Act. According to him the crucial imperatives necessary to promote the survival and well being of Indians

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as Indians include: (1) Indian leadership that is committed to Indian government; (2) revitalization of Indian cultures, languages, social systems adapted and developed within the framework of traditional philosophies and principles; and (3) economic self-sufficiency and independence achieved through employment in the Canadian mainstream.

This radical perspective of Menno Boldt is, however, not shared by all. Pointing out that the Native Indian cultures are now closely integrated with the general Canadian culture, Tom Flanagan argued that the present-day Indians who are integrated into the Canadian economy, will not be able to revive their ancient systems of informal governance. Saying that the governance of pre-contact aboriginal people was suited to their hunting-gathering way of life with its band or tribal form of social organization, Flanagan asserts that it is unrealistic to imagine that such an informal approach to governance could be revived in contemporary Canada.

In response to such criticism, Menno Boldt clarified that he was never arguing for turning Indian reserves into museum pieces or "island states." Stating that, contrary to popular beliefs, the Native Indians have historically responded to change effectively – whenever they have been permitted to do so – Menno Boldt claims that the Indian forms of government that he is advocating will not freeze them in the past. Contrarily, they will teach them how best to adapt themselves to the society that has grown up around them and empower them to engage the present and future. Cole Harris, who advocates "the politics of difference", comes closer to Menno Boldt. According to Harris, the French people and the aboriginal people who were there before the Canadian state came into existence have deeper claims to the protection of difference than any other immigrant groups. The natives need self-government for protection of native culture and for management of native land. Interestingly, he sees no difficulty in accommodating the native claims in Canada, since Canada has always been a country that has sought to balance individual and group-differentiated rights.

### **Indian Self-Government and the Canadian Nation**

The nature of relationship that Indian self-government should have with the Canadian nation is another significant issue that Canadian scholars and activists interested in the Native Indian question have been debating over the decades. On one side of this debate, we see conservative critics

like Melvin Smith, who expect aboriginal governments to be subordinate to provincial and federal authorities, and on the other extreme we have scholars associated with the commissions such as RCAP, who recognize aboriginal communities as autonomous nations and endorse the nation-to-nation paradigm as a way of conceptualizing the relationship between aboriginal nations and the Crown. Between these two extremes one can locate intellectuals like Hawthorn and Alain Cairns, who acknowledge the deprivations that the Native Indians had experienced in the past and characterize the native peoples as "Citizens Plus," and take the stand that the integration of natives with the Canadian nation as something necessary and beneficial to the Native Indians. Distancing himself from the RCAP's idea of aboriginal nationhood, Alain Cairns argues that any exclusive emphasis on collective representation of the aboriginal peoples by aboriginal leaders would only conceal the extent to which they have already become a part of a common project, Canada. In his view, none of the many small autonomous native governments scattered across Canada would comprise the critical mass that can function independently. The First Nations would have to pay a heavy price were they to withdraw from Canada. If the Native Indians opted for secession they would only be cutting themselves off from the feelings of mutuality and bonds of responsibility associated with citizenship. Native and non-native people in Canada, Cairns feels, require each other in more ways than either may have realized, and the challenge is not so much to discard as to improve the relationship. In Cairns words:

the Aboriginal future is within Canada, for both Aboriginal peoples living in cities and those living in organized communities. This also means, and here we also agree, that Aboriginal peoples are not only Canadians, but are and should be thought of as such by others and by themselves.

Cairns views the aboriginal peoples as Citizens Plus, meaning citizens with additional rights. To him the relationship between "citizens" and "plus" is symbiotic. "Citizens Plus" is a package, not two separate components. Without some "plus" component, citizenship will appear inadequate to many, perhaps to most members of First Nations. On the other hand, citizenship sets limits to and shapes the plus component. His criticism of the RCAP's stand does not, however, equate him with the likes of Tom Flanagan. Alain Cairns objects to Flanagan's

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characterization of aboriginal experiments as exercises in aboriginal orthodoxy and defends different the self-government experiments taking place in Canada. Cairns uses the term, "Modernizing Aboriginality" to denote that the aboriginals' goal is not to return to some pre-Columbus yesterday but to have an engagement with the world of the twenty-first century, of course without giving up aboriginal differences. To him, the adjective "modernizing" conveys the choice of goal and direction.

### **Economic Foundations of Indian Self-Government**

During the heyday of the classical Indian Act regime the emphasis of the federal government was more on changing the Indians than on altering the structural conditions that impeded the development of Native Indian communities. The band governments then virtually had no financial powers. The federal government officials had little faith in the ability of the Native Indians to manage their own affairs. The Department of Indian Affairs was directly providing services like education, health, rehabilitation to alcoholics, housing, distribution of welfare payments, etc. without fully involving the band governments. But since the 1970s, responding to the Indian demand for native self-government, the Canadian government considered it beneficial to delegate more tasks to the band councils. On the lines suggested by the Penner Committee, the federal government started delegating authority to the band councils to provide services like education, health services, disbursement of welfare payments, allocation of housing accommodation, etc.

This kind of delegation of powers did not ensure a qualitative change in the living standards of Native Indians who continued to live in overcrowded reserves with substandard housing, diet, education and health facilities, high levels of unemployment, low life expectancy, high rates of death at birth, and predictably high levels of substance abuse, incarceration and suicide for native peoples. Many Native Indian activists felt that what were delegated to the Indian bands were only responsibilities, not powers. For, the band councils had no authority to decide on their own what programs or policies they wanted. They were merely expected to implement or execute the programs conceived by Canadian policy makers. Federal authorities were more willing to subsidize welfare programs than to underwrite the more relevant initiatives that could create permanent jobs on reserves. Limited avenues for employment and income generation on the reserves forced

many educated Native Indians to move to cities in search of greener pastures.

The federal policy of providing civil service scales to the Native Indians working in band/tribal councils resulted in class differences. Since most reserves were small in size and thinly populated, there were problems in providing services efficiently to the people on the reserves. Lack of skilled persons on the reserves made them dependent on the non-aboriginals for administration of their day-to-day affairs. Their aversion to impose taxes on themselves and their failure to tap additional resources of revenues made them depend heavily on fiscal transfers. Passive reliance on the federal government perpetuated a culture of dependence, not conducive to self-government. Against this background, interesting debates have taken place in Canada as to what sort of material conditions are required for the success of Indian self-government.

All participants in the debate are aware that self-government is not just about new political arrangements. No government can survive without solid economic foundations. But there is no unanimity on what kind of economic strategy is required to sustain and strengthen the Indian governments. Liberals like Tom Flanagan believe that the possibility of significant reserve-based economic development generating a reasonable standard of living is extremely limited. He cites the small size of reserves, lack of technical expertise, corruption, nepotism, and culture of dependency to argue against the native movements for self-government, which are steeped in "aboriginal orthodoxy." In his view:

In order to become self-supporting and get beyond the social pathologies that are ruining their communities, aboriginal people need to acquire skills and attitudes that bring success in a liberal society, political democracy, and market economy. Call it assimilation, call it integration, call it adaptation, call it whatever you want: it has to happen.

Interestingly, scholars like Alain Cairns who criticized Flanagan also take the position that the future of Native Indians lies in urban areas. That about half of the Native Indians have already migrated to urban centers in search of employment and better opportunities makes scholars like Cairns conclude that since "ours is an urban civilization," despite generous reallocation of land to the Native people their flow to the cities is unlikely to be stemmed.

Such conclusions are contested by scholars like Cole Harris and Menno

Boldt. Since the white settlers had forcibly taken possession of the land and other resources controlled by the Native Indians, Harris and Boldt contend that the settlement of land claims are key to solving the Indian problem. They contend that most problems on the reserves are due to the small size of the reserves and their inaccessibility to natural resources like land, water, and forests. Providing an adequate land base and ensuring control over surface and subsurface resources are, therefore, indispensable for economic self-sufficiency of the reserves. Well-managed forests and fisheries, ownership of subsurface minerals, and supportive activities such as ecotourism, traditional trades and crafts can ensure that a considerable proportion of the natives make comfortable livelihoods within the territories of their ancestors. The Indian governments could earn sufficient incomes to sustain themselves through royalties and tax revenues. As employment opportunities increase the need to migrate to cities for jobs will also diminish. Such suggestions to revitalize the reserve economy, which found expression even in the recommendations of the RCAP, were not meant to confine the Native Indians to the reserves. In fact, both Menno Boldt and Cole Harris advocate freedom of choice for Native Indians to stay on or off reserves. While strengthening the reserves Canadian and provincial governments should take effective measures to improve the living conditions of the Native Indians living in urban areas by increasing avenues for employment in the Canadian mainstream. "In so doing," argues Cole Harris, "the sharp dichotomy between city and reserve dissolves, but not at the expense of the reserve, which appears, rather, as an indispensable site of Native life."

### **Own Taxation and First Nations' Accountability**

Ever since Canadian governments chose to provide services to Native Indian communities through band governments the band governments are managing and spending federal funds for housing, welfare, education, and other such services. Every year the native chiefs and band leaders handle millions of dollars allocated for welfare and development of Native Indians. But it is observed that there has been no proper system of auditing and accounting of the funds allocated for Native Indian communities. Many Canadians contend that since all these funds for Native Indians are paid out of the taxpayers' money, the First Nations' governments should be made accountable to the Canadian government. Some scholars attribute absence of accountability on the

part of First Nation governments partly to the absence of multiple voices within the Indian communities and partly due to leniency shown by the federal government. Newspaper reports on corruption and mismanagement by Native Indian leaders also make them demand that federal and provincial governments hold First Nation governments to the same standard of accountability as all other governments.

Responding partly to such demands for ensuring accountability the Canadian government introduced two important bills in 2003, viz., (1) Bill C-7, First Nations Governance Act (FNGA), and (2) Bill C-19, First Nations Fiscal and Statistical Management Act. The Report of the Auditor-General, 2002, also made certain recommendations for an effective federal–First Nation reporting system. The Auditor-General's reports and Bills C-7 and C-19 sought to democratize the procedures for electing the First Nations' governments and to improve their governance by encouraging openness and accountability in their functioning.

Liberal scholars like Jean Allard, Jon Kesselman and John Richards suggested that the First Nations' governments can be made more accountable by introducing own-source taxation. To quote John Richards, “When a government must rely on own-source taxation – in other words, when those under its purview must agree to tax themselves for the public services they receive – there exist highly desirable incentives for efficiency and popular participation.” Flanagan also feels that the introduction of “self-funding through taxation far outweighs any other initiative.[Author: closing quote?] Aboriginal self-governments will never be held accountable by their own people as long as the money they spend comes from outside. Under these circumstances people and government collude to get as much from the public treasury as they can. The residents of aboriginal communities must feel that they are reaching into their own pockets to support the activities of their own governments.

Recognizing that band members are often poor and band tax bases usually too small, Allard recommends what he calls an “up-dated treaty money” policy. The policy suggests allocation of enhanced treaty monies directly to individual Native Indians irrespective of locations. The basic assumption of this proposed policy is that when all individual Indians in this regime have sufficient money the band councils can impose taxes and mobilize sufficient funds for Indian programs. In his view, updating treaty money would improve native governance by lowering locational bias imposed on individual Indians and by enabling the band councils to

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introduce own-source taxation on reserves. Howsoever sensible such scholarly proposals may appear to be, they are, however, impracticable in the prevailing circumstances.

Such bureaucratic moves and liberal prescriptions for auditing and accountability are challenged by First Nation leaders. They contest the Canadian notion that the federal government has been doing a favor by providing funds for the development of the First Nations. Native Indians regard transfer payments as "Indian monies" appropriated by Parliament for Indian use, as part of treaty arrangements. They think they have a legitimate right over federal payments as these monies are paid in return for transferring their land and resources to the Crown. Further, they do not see political accountability as being linked to following certain formal procedures and becoming answerable to government officers or ministers on how and why money is spent. As Robert Shepard and Russel Diabo pointed out, accountability means different things for different First Nation communities. The concept and practice of accountability varies for each band according to its composition of individuals, families, registered band members, non-members, non-Indians, and the community as a whole.

Native Indians see accountability not in quantitative terms but in terms of its ability to empower and enrich the communities concerned. They view their leaders as unaccountable when decisions are made ignoring the collective will of the community. Although they are, *prima facie*, not against the idea of accountability, First Nations' leaders do not accept the logic that they have to be accountable to the federal governments for their deeds. They feel that their governments are only parallel to, not subordinate to federal or provincial governments. They look at bills such as FNGA as attempts aimed at controlling the First Nations from the backdoor. They contend that after the Indian Act regime came to an end the Canadian government started using fiscal means to coerce Indian compliance with Canadian policies.

Some native activists admit prevalence of corruption and mismanagement of funds on the reserves but blame Canadian policies for such anomalies. As one Taiiaike Alfred (a Mohawk) puts it:

one of the most effective ways to colonize people is to give them money and make them dependent on bureaucracy for their well-being. Indian Affairs has set up this system and actively promotes the corruption of officials in communities, and only gets upset when the system is

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uncovered in the press and they get bad PR.

According to Leona Freed, a First Nation activist, it is the federal government's system of sending money through the tribal chiefs that spawns corruption on the reserves. As she puts it, "as long as there are good little Indian puppets, they will be rewarded with no accountability. They can do what they want with their Band funds". Dependence on federal finances becomes unavoidable given their limited control over land and limited capacity to mobilize funds. It is pointed out that when much of the funds flow from external resources, neither Native Indian governments nor their subjects feel the need to be accountable as the monies involved are not their own. This rationale, in fact, calls for making Indian governments truly self-governing entities. To make that happen, Native Indians should have an adequate land base and enjoy control over surface and subsurface resources. Only when the reserves become economically self-sufficient will it be possible to make the First Nations' governments accountable. According to Menno Boldt, productively employed reserve and off-reserve Indians become mobile economic zones whose revenues become sources of taxation. This tax base would then provide the foundation for sustainable economic self-sufficiency. When Native Indians start paying taxes to their governments for the services they obtain from them, naturally there will then be demand for accountability.

### **Self-Government Experiments in Action**

While debates on the structure and form of Indian self-government continue, the First Nations have already started taking steps to give shape to self-governments of their choice. As of today, there are inter- and intra-community differences among the First Nations on issues concerning nature and the extent of autonomy desirable and possible within the Canadian set-up. While most native communities accept the need for elected leadership there are still many like Gitksan and Wet'suwet'en citizens who think that reverting to traditional systems of governance is necessary to realize self-government. There are some who look for a middle ground, wherein they can take advantage of the best of both worlds. In an interview one of the executive members of Hupasceth First Nation told the author that their people wish to continue with the elected leadership, but at the same time they want to make use of the wisdom and experience of the traditional chiefs. Even in communities where there has been demand for handing over power to the traditional

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leadership it is accepted in principle that all decisions of the leadership have to be taken in public in consultation with all members of the First Nation.

The native women's organizations have made considerable inroads to make their viewpoints clear and have been pressurizing the Indian leaders to accommodate their interests in the emerging political set-up. Several educated women are coming forward to take up executive and administrative positions in the Indian governments. According to Phil Fontaine, AFN National Chief, there are 109 First Nations women chiefs and hundreds of women councillors are leading the First Nations people. About 20 percent of the First Nations leaders today are women.

As Flanagan and others have pointed out, there are incidences of corruption, wastage, and mismanagement of funds by native governments. Most Indian governments are inexperienced and lack professionalism. If performance of the Native Indian governments is evaluated from modern administrative yardsticks, one would arrive only to negative conclusions. But if one evaluates their performance from the perspective of the needs of the Native Indians their achievements do not appear to be all that bad. Realizing the need for an adequate land base, all First Nations are vigorously pursuing the land claims. The Native Indian communities have waged militant struggles against loggers and commercial fishers and pressurized the federal and provincial governments for greater involvement of the native communities in these sectors. In addition to the Nisgas many First Nations in British Columbia like the Musqueam, Squamish, Gitksan, Tsilhqot'in, Nuu-chah-nulth, etc. have effectively used courts to articulate their aboriginal rights over land, forests, and waters.

Having realized the price they have to pay for antagonizing the native communities, different state agencies and private business enterprises working in the reserve areas have negotiated agreements with the First Nations, making them partners in business/development ventures. Some such enterprises like BC Hydro and Royal Bank have taken up initiatives for education, training, and employment of Native Indians in their projects. Further, taking advantage of their location, physical resources and social capital, some First Nations have initiated economic development programs that suit their interests and needs. Although own-source taxation still remains anathema to them many First Nations have begun exploring different alternative sources of income which would

complement federal payments. By imposing taxes on non-aboriginal citizens, leasing reserve lands for commercial purposes, claiming royalties from non-aboriginal business enterprises operating on reserves and entering into mutually-beneficial agreements with the corporate sector and state enterprises, the First Nations have been able to mobilize considerable resources for their governments.

Gradually, many aboriginal Indians are entering business activities: approximately 20,000 aboriginal businesses are registered across Canada, about 4,700 of them in BC. Native Indian enterprises are visible in the primary sector, manufacturing, and service sectors. Although most of them are small-scale enterprises catering to local markets, some even target international markets; 72 percent of aboriginal entrepreneurs reported profits in 2002; and 70 percent of aboriginal entrepreneurs residing in BC anticipated growth in the next two years as well. Making use of different tax concessions granted to them Native Indian entrepreneurs are trying to create their own niche in the market in certain domains where they have advantages.

One common identity marker that all First Nations use to distinguish themselves from the rapacious capitalist exploiters is that they pay respect to and live in harmony with nature and wildlife. Since they earn their livelihood basically from land, seas and forests, they talk of the need for protecting biodiversity and advocate sustainable developmental strategies for development. The Canadian government and business enterprises operating in the reserve areas were, therefore, compelled to fall in line with the First Nations aspirations and reorient their development and business strategies in the areas inhabited by the aboriginal Indians. In collaboration with non-aboriginal business enterprises some First Nations have initiated developmental projects that suit their interests. For example, declaring their intention to conserve and use forests for increasing the incomes and economic opportunities for Native Indians, Nuu-chah-nulth First Nations of the central region founded Ma-Mook Natural Resources Ltd and signed an agreement with MacMillan Bloedel Ltd to form a joint forest venture company named Iisaak Natural Resources Ltd. The company is making efforts to develop and deliver innovative ways of managing the resources of Clayoquot Sound, respecting cultural, spiritual, recreational, economic, and scenic values.

Through application of forest practices that respect ecological and

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cultural values, Iisaak is working toward environmentally sustainable forest initiatives that ensure protection and promotion of the interests of the First Nations. The Osoyoos Indian Band Development Corp'n, the economic development arm of the enterprising Osoyoos Indian Band, now manages 10 corporations operating in areas including tourism, recreation, agriculture, forestry, retail, and wine. Recently, Nk'Mip Cellars Winery started by the Osoyoos Indian Band Development Corp'n entered into an agreement with Vincor International, based in Mississauga, Ontario to produce quality wine for export.

The Okanagan-based First Nations in BC are also making similar experiments. Aboriginal tourism is another area where Native Indians are exploring opportunities for growth by keeping their environment and culture intact. Several enterprising First Nation citizens have started cultural centers, tourist resorts, adventure sports centers, and dance troupes. Nk'Mip Desert and Heritage Interpretive Centre started by Osoyoos Indian Band, Xa:ytem Longhouse Interpretive Centre located in Sto:lo traditional territory, K'san Interpretive Village near Hazelton in Northern BC, Khowutzun Native Village in Duncan on Vancouver Island, Hiwus Feasthouse at the top of Grouse Mountain and Liliget Feast House in Vancouver, Takaya Tours operated by the Tsleil-Waututh Nation and Le-la-la Dance Troupe from the Kwak waka'wakw Nation of Northern Vancouver Island are some of the Native Indian initiatives in aboriginal tourism.

Many First Nations are pragmatic in their approach to issues of development. While some joined together as tribal councils to negotiate self-government treaties with the federal government some others opted for direct negotiations. For example, some First Nations of Nuu-Chah-Nulth Tribal Council have decided to go alone, as they found that their particular interests were different from those of others. Similarly, although environmentalists and aboriginal activists worked together on several occasions in their fight against loggers and commercial fisheries, for pragmatic reasons some First Nations gave consent to development projects like dams, industries, commercial use of forests, etc. much to the dissatisfaction of environmentalists.

As such, hundreds of experiments in Indian self-government have been taking place on the reserves and in urban areas. Most of the initiatives mentioned above have been taken up only in recent decades ence, not much is known about them. Except for studies by a few journalists like

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Dan Smith, serious academic works or evaluative studies on functioning of these self-government experiments have not yet come out. Thus, it would be difficult to proclaim the success or failure of various native experiments in self-government at this point of time. Even as Alain Cairns admits:

At the moment, we have inadequate data on what works and what does not in either arena. I have asked various informed colleagues what percentage of existing First Nations governments are (*sic*) performing in excellent, adequate, or unacceptable ways. The responses are admittedly anecdotal, but the answers vary significantly. My conclusion is that we simply don't know.

Only the future will tell whether Native Indian experiments with self-governments come out with something different and worthwhile to show to the world or whether they are only taking circuitous routes to finally get absorbed in the liberal capitalist framework of Canada.

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<sup>4</sup> Noel Dyck, *What is the Indian Problem?: Tutelage and Resistance in Canadian Indian Administration* (St. Johns, Newfoundland: Institute of Social and Economic Research, 1991), 162

<sup>5</sup> Alain C Cairns and Tom Flanagan, "An Exchange", *Inroads*, September 2001, 42-53. Also available online at: <http://www.irpp.org/po/archive/sep01/tf-ac.pdf>. (Accessed 14 December 2007)

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<sup>6</sup> Melvin Smith, *Our Home or Native Land?: What Government's Aboriginal Policy Is Doing to Canada* (Toronto: Stoddart Publishing Co. Limited, 1995), 261-278

<sup>7</sup> One can see a critique of their views in Rebecca Batman, "Comparative Thoughts on the Politics of Accommodation", *BC Studies: The British Columbia Quarterly*, no. 114, Summer (1997): 70-78

<sup>8</sup> For more details, see the Chapter IV of this book.

<sup>9</sup> Fleras Augie and Jean L. Elliott, *The Nations Within: Aboriginal-State Relations in Canada, the United States and New Zealand* (Toronto: Oxford University Press, 1992), 30

<sup>10</sup> Gabriell A Slowey, "Aboriginal Self-Government, Extinguishment of Title and the Canadian State: Effectively Removing the "Other"?", *Native Studies Review* 13, no. 1, (2000):14

<sup>11</sup> Michael Asch, "Aboriginal Self-Government And Canadian Constitutional Identity: Building Reconciliation", in *Ethnicity and Aboriginality: Case Studies in Ethno-Nationalism*, ed. Michael D. Levin (Toronto: University of Toronto Press, 1983), 50-51

<sup>12</sup> Quoted in Tom Flanagan, *First Nations? Second Thoughts* (Toronto: McGill-Queen's University Press. Toronto, 2000), 94

<sup>13</sup> Menno Boldt, *Surviving As Indians: The Challenge of Self-Government* (Toronto: University of Toronto Press, 1993), 266

<sup>14</sup> *Ibid.*, p. 265

<sup>15</sup> Flanagan, *First Nations? Second Thoughts*, 96

<sup>16</sup> Boldt, *Surviving As Indians: The Challenge of Self-Government*, 162-163

<sup>17</sup> Cole Harris, *Making Native Space: Colonialism, Resistance and Reserves in British Columbia* (Vancouver: UBC Press, 2002), p. 303

<sup>18</sup> Cairns and Flanagan, "An Exchange", 111-116

<sup>19</sup> Harris, *Making Native Space: Colonialism, Resistance and Reserves in British Columbia*, 319

<sup>20</sup> Cairns and Flanagan, "An Exchange", 111

<sup>21</sup> *Ibid.*, 121

<sup>22</sup> Dyck, *What is the Indian Problem?: Tutelage and Resistance in Canadian Indian Administration*, 143-144

<sup>23</sup> Flanagan, *First Nations? Second Thoughts*, 189-190

<sup>24</sup> Cairns quoted in Harris, *Making Native Space: Colonialism, Resistance and Reserves in British Columbia*, 309

<sup>25</sup> Ibid., 316

<sup>26</sup> Ibid., 311

<sup>27</sup> John Richards, "A New Agenda For Strengthening Canada's Aboriginal Population", *C.D. Howe Institute Backgrounder*, no.66, 2003, p. 4. Also available online at: [http://www.cdhowe.org/pdf/backgrounder\\_66.pdf](http://www.cdhowe.org/pdf/backgrounder_66.pdf). (Accessed December 14, 2007)

<sup>28</sup> Richards, "A New Agenda For Strengthening Canada's Aboriginal Population", 6

<sup>29</sup> Flanagan, *First Nations?: Second Thoughts*, 191

<sup>30</sup> Ibid., p. 121

<sup>31</sup> Robert Sheperd and Russel Diabo, "A Government-First Nations Dialogue on Accountability: Reestablishing Understanding on the Basics of a Complex Relationship", *Native Studies Review*, 15, no. 2, (2004): 61-81

<sup>32</sup> Both quoted in Sheperd and Diabo, "A Government-First Nations Dialogue on Accountability: Reestablishing Understanding on the Basics of a Complex Relationship", 62

<sup>33</sup> Refer the final chapter of Boldt, *Surviving As Indians: The Challenge of Self-Government*

<sup>34</sup> See, Phil Fontaine's Address to First Nations Women Leaders Forum, Vancouver BC, February 2007, <http://www.turtleisland.org/discussion/viewtopic.php?p=7997&sid=c94cc136f052e280bc19ab5fa4107c74>. (December 14, 2007)

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