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TOWARD INDIAN SELF-GOVERNMENT IN BRITISH COLUMBIA: PROBLEMS AND PROGRESS

Prior to the colonization of North America by the European powers hundreds of FN communities inhabited the continent. With colonizers taking over control of their lands and destroying their traditional institutions, these politically autonomous and economically self-reliant communities lost their independence and became passive subjects of the alien rulers in their own territories. Unrestricted immigration, deceptive treaties, brutal repression, disease and deaths decimated and marginalized the native communities and compelled them to live within the restrictions of the reserves created for them. The formation of the Canadian federation in 1867 and adoption of liberal democratic institutions did not bring any significant change in the status of FN communities in Canada. In 1876 the Canadian government passed the Indian Act to govern the status-Indian communities living on the reserves in Canada.[1] The Act put an end to traditional forms of governance by creating elected band governments on the reserves. It set aside reserve lands for the "use and benefit" of specific Indian bands. Title to the land, however, was held by the Crown, making the reserves pockets of federal jurisdiction within the provinces.

Under the terms of the Indian Act the Crown held the land title and only allowed the Indians to use and oc-

cupy them.[2] As such, no Indian band had the right to sell or dispose of reserve lands. The Act guaranteed to status-Indians: the right to reside on the reserve assigned to his or her band; freedom from estate and land taxes on reserve lands; freedom from income taxes on income earned on the reserve; and the right to vote in band council elections. The Indian Act delegated limited powers to the band councils to take decisions concerning the band affairs. However, the real powers continued to be in the hands of the ministers, superintendents and other officers appointed by the Canadian government. Under the Indian Act regime the FNs 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' powers to make bylaws were limited and regulated by the governor-in-council. The band councils had neither powers nor means to devise and implement their own policies and programs.[3] Since the bands did not have any corporate status their ability to engage in economic developmental activities was considerably restricted. Further, the Act failed to delineate differences among the Indian communities and imposed uniform laws regulating the lives of FNs living on the reserves. It did not recognize the FN women who were married to non-Indians and the FNs who moved to the cities for a variety of reasons. The bands as such had no real powers to decide on who could be given membership. The 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.[4]

The policy of segregation pursued in Canada prevented mutual understanding and meaningful interactions

between the Indians and the Canadian citizens. By and large, the Canadian citizens showed little interest in understanding the plight of the FNs. Their outlook toward the natives remained racist. However, positive gestures made by the FNs during the Second World War helped in erasing to an extent stereotype images of the aboriginal people from the minds of the Euro-Canadians. Following the changes in the citizens' perceptions about the natives the government came under pressure to appoint a royal commission to revise the Indian Act and put an end to the discrimination that the FNs experienced for about a century. Responding positively to public opinion a joint committee of both the House of Commons and the Senate was set up in 1946 to review the Indian Act. Following its report a new Indian Act came into existence in 1951.

Several restrictive and antiquated clauses were deleted. The ministers' powers were considerably reduced and the band councils given more powers. Although assimilation as a goal was retained the clauses that aimed at aggressive civilizing and compulsory enfranchisement were given up. The federal government launched programs to promote community development and local government on the reserves. A nationwide program was undertaken to integrate the FN students into Euro-Canadian schools. A series of leadership training courses was organized to prepare the reserve communities to take greater part in managing their own affairs. Subsidization of several government programs led to definitive improvements in the socioeconomic conditions of FNs. With the federal government taking the lead and provinces following it, by the middle of the 1960s franchise rights were guaranteed to all FNs. As health services improved the declining trend in the Indian population was reversed. Many Indian children got access to secondary and post-secondary education.[5] All these

changes gave rise to a new class of educated FNs who began to play key roles in organizing and channelizing the discontent of the native population for achieving the goal of self-government.

The 1951 amendments to the Indian Act and the changes in the governments' attitudes toward the FNs did not, however, bridge the divide between the Canadian citizens and FNs. Some discriminatory provisions like the ones that denied Indian status to native women married to non-natives were retained for another three decades. The Act continued to look at the band council as the basic unit of administration and as a result the bands failed to reap economies of scale to become self-sufficient. Band councils and Indian associations continued to depend primarily on the federal government for operational funding and political recognition. The Indian leaders were exposed to a daily diet of political pressure and bureaucratic resistance.[6] Band councils had few powers to plan and implement programs beneficial to them. The aboriginal people received services that had been conceived, regulated, and negotiated by the government and the service providers without any native inputs. As the designated beneficiaries of services, the aboriginals had no rights to comment on the quality, relevance, or method of provision of the services. Everything had already been agreed upon in their absence.[7] It is then natural that FNs felt suffocated under the Indian Act regime. Further, with the growth of the native population after 1945 the pressure on land and resources on the reserves increased, forcing the natives to look beyond the means and opportunities guaranteed by the Indian Act. The Indian situation in BC would throw more light on the changing status, problems, and dilemmas of the FNs.

FNs in British Columbia in the 1950s and 1960s

By the mid-twentieth century considerable changes did take place in the socioeconomic conditions of the native communities in BC. H. B. Hawthorn and C. S. Belshow's study on FNs in British Columbia (1958) threw considerable light on the transformation taking place within the FN communities. The study showed that although the natives continued to depend on domestic production – food-gathering, hunting, fishing – for a livelihood, they were also exposed to markets, store foods, modern gadgets, and new crops and fruit trees. A traditional background, clan leadership and potlatch were no longer the only determinants of wealth and status. Alongside increases in the per capita income, marked differences in income were observed among the Indian communities. During this period band membership was the basis for determining one's Indian status. The Indian Branch gave recognition to different types of band councils. While some had representative councils, several small bands were without a representative council of any kind. Unlike traditional Indian chiefs who held offices during competency, the chiefs and councilors in BC were elected for two years. On paper the Indian Act gave powers to the band councils the right to protest against alterations in band lists; admit Indians to band membership; allot land; grant timber-cutting licenses; cultivate unused land; dispose of non-mineral substances; adjust sale, lease, or lending contracts; spend capital and revenue monies; make bylaws for defined purposes of local government; and raise money by law.[8]

However, in reality these powers were restricted considerably, partly due to bureaucratic interference and partly because of dependence of band councils on federal finances. The band funds were held in Ottawa and the of-

ficials-in-charge of Indian affairs were extremely skeptical of the bands' ability to manage the funds meant for them. It was rightly pointed out that the whole framework of financial administration was designed to 'protect the Indian from himself' and the focus of administrative action was not education of the Indian but the manipulation of his property.[9] Moreover, since most bands were small and had little resources, even with government subsidies they could not become efficient administrative units capable of providing social services on an optimum scale. The FNs had no official channels to unite and pool the resources of different bands to ensure efficient administration. Further, most Indian reserves in BC remained small and underdeveloped. Unlike many other Canadian provinces which were covered under different federal Indian treaties, BC by and large remained a non-treaty province.[10] Of the total of 2,300 reserves in Canada, BC alone has around 1,600 although the average size is much smaller compared to the reserves in other provinces covered by federal treaties. Being small in size and deficient in resources the reserves were not in a position to accommodate any new members into the bands. During this period the Indians had only one elected representative in the legislative assembly of the province. They hardly had any role in the affairs of the government and political parties that made policies and programs for the benefit of the Indians. All these factors necessitated native political organizations which could effectively articulate the interests of FNs both at provincial and national levels.

In the 1950s the FN interests in BC were articulated by two FN organizations, namely, the Native Brotherhood of British Columbia (NBCC), and the North American Indian Brotherhood (NAIB).[11] With Protestantism as the unifying force, the NBCC founded by Alfred Adams and Peter Kelly organized tribal groups inhabiting the western, cen-

tral, and northern coastal areas in BC. The NAIB started by Andrew Paull had its base on the south coast and the central and southern interior areas where Roman Catholics were predominant. Andrew Paull facilitated the formation of a Kamloops-based and Shuswap-supported organization called the Confederacy of the Interior Tribes of British Columbia. Despite their efforts such provincially-based Indian organizations could not make much headway in BC partly because of leadership crises and partly due to continuing tribal loyalties. More than territory-based Indian associations, Indians began to support tribe-based organizations. Frank Calder, a charismatic Nisga'a leader, formed the Nisga'a Tribal Council in 1955. Leaders like Jack Peter took initiative in the formation of the Nuu-chah-nulth Tribal Council in 1958. In 1964 the Southern Vancouver Island Tribal Federation (SVITF) came into existence to organize Coast Salish bands in the Cowichan agency on Southern Vancouver Island.[12] Alongside these tribe-based organizations the end of the 1960s witnessed the foundation of three more FN organizations: the Indian Homemakers' Association in 1968, the British Columbia Association of Non-Status Indians (BCANSI) and the Union of British Columbia Indian Chiefs (UBCIC) in 1969.[13]

Hawthorn Report: FNs as Citizens-Plus

Taking cognizance of the growing discontent among the FNs the federal government hired the services of Prof. Hawthorn in the 1960s to conduct an enquiry into the social, economic, and political conditions of the status-Indians and to make appropriate policy recommendations for improving their living conditions. The Hawthorn Committee report released in 1966 and 1967 criticized the policies of assimilation pursued by the Canadian governments

and exposed the pitiable state of FNs in Canada. The committee felt that most problems of the FNs resulted from the neglect that had followed from their historical post-Confederation status as wards. Since non-aboriginal Canadians built a prosperous society on the lands and resources originally owned by the aboriginals, the Hawthorn Committee opined that Canada should treat the FNs as "Citizens-Plus."[14] By "plus" the committee meant that apart from guaranteeing the normal rights and duties of citizenship, the Indians possess certain additional rights as charter members of the Canadian community. The committee thus sought to preserve the native "difference" while simultaneously recommending common citizenship for the Indian people and the majority population. The recommendations of the Hawthorn Committee indeed made a breakthrough in approaching the Indian question in Canada. But the Canadian government paid little attention to the committee's observations and recommendations. Contrarily, a couple of years after the release of the Hawthorn Report the federal government came out with a White Paper which sought to eliminate Indian "difference" and assimilate all the aboriginals into the Canadian mainstream.

The White Paper of 1969

Whatever might be its limitations, the Indian Act recognized the FNs as indigenous communities. The FNs took cognizance of the fact that the Act in a way helped them preserve their identity as Indians, but at the same time they never considered the Indian Act as representing their true aspirations. In fact they contested the paternalistic and assimilatory provisions of the Act and demanded recognition of aboriginal rights to land and governance. They complained of discrimination that the natives experienced at the

hands of the white racists in Canada and exposed how the Indian Act failed to protect them. Canadian governments' inducements to convert them into Canadian citizens never appealed to the FNs. More than the wish to be treated as equal citizens of Canada the FNs aspired for recognition of and respect for their unique histories. The aboriginal people envisioned themselves as standing apart from the Canadian society and enjoying a one-to-one relationship with the Crown in Canada. These apparent contradictions in the native perceptions and aspirations became more explicit in 1969 when the Canadian government headed by Prime Minister Trudeau came out with a document entitled, "Statement of the Government of Canada on Indian Policy," more widely known as the White Paper.

The White Paper proposed to put an end to the century-old Indian policy that perpetuated injustice and prevented the Indians from becoming full members of the Canadian community. According to it, "the separate legal status of Indians and the policies which have flowed from it have kept the Indian people apart from and behind other Canadians."[15] It argued that the plight of the Indians could be overcome by removal of discriminatory barriers and by opening up "doors of equal opportunity" to them. In order to achieve this goal the government proposed to repeal the Indian Act and recommended eventual abolition of the aboriginal rights and transfer of the responsibility of Indians to the provinces.[16] According to Trudeau, his government had only two choices: retaining the conventional way of administering the Indians by adding bricks of discrimination, or discarding the old system by giving Indians full status in society. In one of his speeches supporting the White Paper Trudeau remarked that it was "inconceivable that in a given society one section of society have a treaty with the other section of the society. We must be all equal under the

laws and we must not sign treaties amongst ourselves." He contended that a liberal democracy cannot allow special rights for any community, for "we can't recognize aboriginal rights because no society can be built on historical 'might-have-beens'."[17]

What appeared to liberals like Trudeau a well-intentioned policy seeking an end to discrimination and ensuring equal status to the native communities in Canada appeared to the FNs as a ploy to destroy their Indian identity and deny them aboriginal rights. The White Paper was accused of everything from cultural genocide, to a policy of termination to callous expediency in offloading federal costs, and reneging on Crown responsibilities. The liberal logic of the White Paper received a comprehensive indigenous response in the Harold Cardinal – authored *Red Paper*. In his response he also gave vent to the aspirations and expectations of the Indian communities in Canada. Thus, the White Paper shook the Indian world and stirred up nationalist sentiments in it. It activated different dormant Indian organizations and gave birth to some new ones. The Union of British Columbia Indian Chiefs (UBCIC) representing about 190 chiefs of BC was formed in November 1969 in direct response to the White Paper. The National Indian Brotherhood (NIB) and Native Council of Canada (NCC) emerged as national-level organizations representing the interests of the registered Indians and non-status Indians, respectively. The White Paper controversy also gave birth to militant Indian groups, which called themselves Red Power. It is during this period that the FN communities began to identify themselves as First Nations. These native organizations played significant roles at provincial and national levels to articulate the Indian aspirations for self-determination and self-government. Due to their growing activism and stiff resistance the Canadian government was

forced to retract its moves and look for alternative strategies to deal with the First Nations. The Supreme Court verdict in Calder's case involving the Nisga'a claim (1973) also compelled the federal government to rethink its Indian policies and programs.

The Calder Case: Recognition of Indian Title

The Nisga'a of Northern BC sought formal recognition of their aboriginal title on the pleas that they had been living on the land they presently occupied since time immemorial. Frank Calder, the founder and president of the Nisga'a Tribal Council maintained that his people's aboriginal title had never been extinguished, and that none of their territory had ever been ceded to Britain. After losing their case in the Supreme Court of British Columbia and the British Columbia Court of Appeals the case was taken to the Supreme Court of Canada. Although the Nisga'a legally lost the case even there, they won a moral victory with the majority of the judges acknowledging the existence of aboriginal rights. In the judgment Justice Wilfred Judson speaking for three judges held that the aboriginal rights which once existed were subsequently extinguished by pre-Confederation enactments. In contrast Justice Emmett Hall, speaking on behalf of three dissenting judges took the stand that the aboriginal title of the Nisga'a had never been lawfully extinguished and that this title could be asserted even today. With the seventh judge, Justice Louis-Philippe Pigeon holding against the Nisga'a on technical grounds, the majority decision tilted against the Nisga'a. Yet, the case became a landmark in the history of the aboriginal peoples' struggle in Canada for it disowned the *terra nullius* argument and acknowledged that Canada was inhabited by organized groups of Indians who had set-

tled there several centuries before the white men 'discovered' the land. This was contrary to the position held by some of the judges, who argued that the Nisga'a were primitive people who had few institutions of the civilized world and were virtually oblivious of Western notions of private property.

Justice Hall stated in his judgment that on the eve of European contact the Nisga'a were a distinctive cultural entity with their own concepts of ownership indigenous to their culture and capable of articulation under the common law, having "developed their cultures to higher peaks in many respects than in any other part of the continent north of Mexico." He clearly stated in his verdict that the Nisga'as right to possession of the lands delineated and their right to enjoy the fruits of the soil of the forest, and of the rivers and streams within the boundaries of said lands had not been extinguished by the Province of British Columbia or by its predecessor, the colony of British Columbia, or by the governors of that colony.[18] Although the support of three judges was not enough for a legal victory the dissenting voice in the judgment was enough to persuade the liberal government of Trudeau to change its policy and acknowledge the need for starting negotiations with the Nisga'a. Other important court judgments that followed the Calder case, such as the Guerin case (1984), the Sparrow case (1990), and more recently the Delgamuukw case (1997) also affirmed Indian rights and expanded their meaning. The courts came out in support of aboriginal rights to control land and natural resources and intervened to regulate commercial fishing and logging activities when they seemed to disrupt traditional sources of livelihood for the Indians. In the Delgamuukw case the court entertained oral histories of the Indian communities as bases for Indian claims. All these court interventions compelled the BC government to reconsider its strategies with regard to the FNs.

Aboriginal Activism

After the withdrawal of the White Paper the National Indian Brotherhood (NIB) emerged as the representative of the status-Indians at the national level. Since the NIB did not take interest in the non-status Indians another organization named the Native Council of Canada (NCC) came into existence to work for the non-status Indians and Metis. This rift between status and non-status Indians continued at both the national and provincial level. In BC the UBCIC sought to represent the interests of the status-Indians through traditional tribal chiefs. It did not evince any interest in joining hands with organizations such as the British Columbia Association of Non-Status Indians (BCANSI). But in BC, as mentioned earlier, provincial- and national-level Indian organizations started losing their significance for different reasons and their place was filled in by different tribal organizations like the Nisga'a Tribal Council, the Nuu-chah-nulth Tribal Council, the South Vancouver Island Tribal Federation, and others representing the interests of different native tribal/linguistic groups. These tribal organizations chose to maintain their autonomy and were not willing to subordinate their interests to any provincial- or national-level Indian organizations. They rejected the twin principles – status/non-status differentiation, and rule by band councils – on which the Indian Act rested. They refused to confine their political activism to the reserves and did not accept the tribal chiefs as their natural leaders. Like the Nisga Tribal Council, most other tribal councils stood for popular sovereignty, linguistic group exclusiveness, status/non-status unity, band council's acquiescence to the tribal council, and pursuit of the land claims as the primary political tasks of the First Nations.[19]

The emergence and consolidation of tribal councils contained the growth of UBCIC. To regain its hold the UBCIC began to adopt militant tactics to project itself as the sole representative of the FNs in BC. The much-needed political platform for this was provided in the late 1970s by Trudeau's government which sought to bring in a new constitution for Canada. In one sense Canada's move to end its formal ties with the Crown and have its own constitution aroused fears among the aboriginal groups across Canada about their future. The First Nations rightly complained that the federal government did not seek their consent while seeking repatriation and that the Indian representatives were invited to the First Ministers' Conference only as observers, not as equal partners. They expressed fears that the new constitutional arrangements that the federal government was negotiating with the provincial governments would deprive them of even the limited concessions they had been enjoying under the Crown's laws. Their fears and apprehensions drove the national- and provincial-level aboriginal organizations to take to the streets to pressurize the governments to listen to them. Aboriginal organizations like the Assembly of First Nations (FN) and tribal organizations such as the Nisga'a Tribal Council were more interested in ensuring that their interests were protected in the new constitutional and political arrangements.

Contrarily, national and provincial organizations of tribal chiefs such as NIB and UBCIC tried militant strategies to halt the repatriation. Apart from moving the courts in Canada and abroad to seeking a judicial declaration that Indian consent was necessary before the constitution could be repatriated, the UBCIC mobilized thousands of Indians to Ottawa and to Great Britain in the name of a "Constitutional Express." Its representatives met political leaders in Britain and sought their support in stalling the repatriation

process. All such pressures and militant postures from NIB, UBCIC and other provincial organizations of the tribal chiefs in Canada could not prevent the governments in Canada from going ahead with the constitutional process. But their resistance did help in ensuring that aboriginal rights were included as part of the new Canadian constitution. Accordingly, Section 25 of Canadian Charter of Rights and Freedoms guaranteed that the Charter would not abrogate or derogate any aboriginal treaty or other rights or freedoms pertaining to the aboriginal peoples of Canada. By designating the Indian, Metis, and Inuit as aboriginal peoples Section 35 clearly stated that the aboriginal and treaty rights of the aboriginal peoples of Canada were thereby recognized and affirmed.[20] The federal government also agreed to organize First Ministers' Conferences to negotiate with aboriginal leaders in accommodating their aspirations for self-government.

From First Ministers' Conference to Charlottetown Accord

After the enactment of the Constitution Act of 1982 the national- and provincial-level Indian organizations continued to exercise political, moral, and intellectual pressure on the Canadian government to acknowledge their right to self-government. It was during this period that the term First Nations virtually replaced the earlier representations of FN communities as bands. In the three First Ministers' Aboriginal Constitutional Conferences held between 1983 and 1987 the aboriginal organizations tried to pressurize the federal and provincial governments to agree in principle to the idea of Indian self-government. The conferences, however, failed to arrive at any decision, as four provinces including BC insisted on clarifying the meaning of self-gov-

ernment first before they were asked to grant it.[21] When the same governments which expressed their opposition to Indian self-government showed eagerness to appease Quebec in the Meech Lake Accord, which sought to give recognition to Quebec as a distinct entity,[22] the native groups criticized the double standards of the Canadian leaders. The aboriginal leaders articulated their concerns and helped block the passage of the Meech Lake Accord in 1990, much to the pleasure of many First Nations people and other Canadians who opposed the accord for a variety of reasons.[23] The failure of Meech Lake compelled the Canadian government to follow up new constitutional talks with aboriginal groups and conclude the Charlottetown Accord. Although the Charlottetown Accord was defeated in the referendum held in 1992 the natives continued to look at the agreement with pride, for it was during these talks that the Indian leaders were treated with respect as equal partners in the negotiations. The Charlottetown Accord was also important as the government officially recognized self-government as an inherent right of the aboriginal peoples.

Penner Committee Report of 1983

On the eve of the initial First Ministers' Aboriginal Constitutional Conference in 1983 a Special Committee on Indian Self-Government was appointed by the House of Commons under the chairmanship of Keith Penner. In its report the Penner Committee pointed to the difficulties inherent in pursuing devolution policies within the parameters of the Indian Act. The Penner Report also endorsed the Indians' demands for creation of First Nations Governments as distinct political and administrative entities which would be linked but not subordinated to federal and provincial governments. The committee recognized the

need for a new relationship based on constitutional recognition of First Nations governments as a distinct order of government in Canada.[24] The committee felt that education, child welfare, and health care could be placed under the jurisdiction of the Indian governments for design, implementation, and administration of delivery systems, programs, and services. It sought special enabling legislation to set out general principles under which Indian governments would be developed. The committee encouraged the ongoing bilateral and treaty-making processes.

With respect to the structures and powers of Indian governments in Canada, the Penner Committee felt that although the primary political unit of Indian government must continue to be the band, self-government arrangements should accommodate situations where First Nations might choose to come together on different bases for various purposes. Further, the committee felt that the structures of government and systems of accountability needed to be chosen by First Nations members themselves. The nature and scope of their powers and jurisdictional fields should be identified and arrived at through negotiated agreements. Areas of jurisdictional overlap between governments and First Nations may be subject to joint control and authority. The report recognized the economic disadvantages of reserve communities and called upon federal authorities to upgrade the socioeconomic infrastructure of the band communities. Adequate land and resource base, settlement of claims, and correction of deficiencies in community infrastructure were rightly identified as essential preconditions for Indian self-government. The committee proposed alternative and flexible funding methods and arrangements for Indian self-government. In the Penner Committee model, the notion of Citizen-Plus implied that while Indians would be entitled to all the benefits and asso-

ciated responsibilities of Canadian citizenship, Indian governments could selectively choose to exempt their people from some of the unwanted constraints of Canadian citizenship such as the Charter of Rights and Freedoms.[25] In subsequent years the Penner Report substantially influenced Canadian Indian policy.

Struggles for Indian Self-Government

Ever since FNs started organizing themselves politically for protection of their aboriginal identities and rights they have been demanding Indian self-government. Beginning in 1951 the Canadian government started promising some form of self-government for the Indian communities, but there was no consensus as to what one would actually mean by self-government. Initially, the federal government was ready to grant only municipal-type powers to Indian self-governments. On the other extreme there were some radical Indian groups in Canada which interpreted self-governments as something synonymous with sovereign governments and demanded a complete break with white Canada. But the majority of First Nations in Canada realized that because of historical, demographic, and territorial disadvantages and also due to ethnic divisions within, it was just not possible to dream of sovereign FN states. The historic Dene Declaration of 1975, passed by a joint assembly of the Indian Brotherhood of the Northwest Territories and the Metis Association, which put declared self-determination, nationhood, and territoriality within the bounds of Canada as the objectives, rightly reflected the aspirations of the majority of First Nations in Canada.[26] But differences persisted among the Indian communities and organizations as to what powers and material requirements were indispensable for genuine Indian self-governments. In view of

the differences and disparities in interests, capabilities, and aspirations across the Indian communities, it was just not possible to arrive at a consensus as to what would be meant by Indian self-government. Depending on what they considered to be indispensable for their interests each tribe or group of tribes began searching for appropriate structures and forms of self-government suited to them. In return for the land surrendered, the Cree and Naskapi Indian nations of Northern Quebec received a cash award amounting to hundreds of millions of dollars through the James Bay and Northern Quebec Agreement concluded in 1975. They were also given tracts of community lands with exclusive hunting and trapping rights over large areas. In addition the agreement made provision for introduction of new systems of local governance on lands set aside for their use.

These agreements paved the way for the Cree-Naskapi (of Quebec) Act. Passed in 1984, it was the first aboriginal self-government legislation in Canada.[27] In the province of BC the first modern experiment to replace the Indian Act with community government and self-management took place on the Sechelt Reserve located beside Sechelt town. Under the Sechelt Indian Self-Government Act (1986), the Sechelt community received title to their reserve lands. The Act enabled the Sechelt people to make their own constitution and decide on the form of government, membership code, legislative powers, and system of financial accountability. The elected council had powers to pass laws with regard to land and residence; administration and management of lands belonging to the band; education; social welfare and health services; and local taxation. However, some aboriginal groups criticized the Sechelt model as a municipal arrangement, governed by provincial legislation. According to them what the Sechelt band gained was only the right to manage some affairs, like municipalities.

It was no self-government in the true sense, for it did not challenge the provincial jurisdiction in any form.[28] Despite such criticism the Sechelt people felt that their unique model was necessitated by their particular needs and situation. The Act did not bar them from making further progress toward greater autonomy in the years to come.

Federal Initiatives for Empowerment of Indian Communities

After the Second World War the Indian Affairs Branch of the federal government underwent considerable changes. In 1949 the branch was transferred to the Department of Citizenship and Immigration. In 1962 the functions of the Indian Affairs Branch were regrouped under three major activities: education, operations, and support services. In 1966 the Department of Indian Affairs and Northern Development (DIAND) was established. Control and supervision of the Indian Affairs Branch, with associated powers and duties under the Indian Act, were transferred to DIAND from the Department of Citizenship and Immigration. Responding positively to NIB's policy paper, "Indian Control of Indian Education," the Canadian government began to emphasize local control of education, and started phasing churches out of Indian education and closing residential schools. After the Supreme Court's judgment in the Calder case in 1973 the federal government gradually gave up assimilatory policies and began exploring ways and means to accommodate aboriginal concerns and interests within the Canadian system. The Canadian government began taking definite measures to delegate more powers to the band governments, as well as recognizing the need for negotiated settlement with the Nisga'a and other Indian communities. It ensured that the Constitution Act

of 1982 recognized and guaranteed aboriginal rights. Further, to conform with the equality rights clause in the Charter of Rights, the Indian Act was amended to remove the clause that had previously taken away Indian status from aboriginal women who married white men but granted such status to white women who married Indian men.

Bill C-32 passed by the House of Commons in 1985 reinstated treaty status to more than 22,000 men, women, and children and ensured access to federal programs and services for off-reserve Indians.[29] Responding to the recommendations of the Penner Committee, DIAND introduced Alternative Funding Arrangements (AFAs) in 1986. The federal government announced a new comprehensive claims policy without insisting on extinguishment of Indian rights and titles. It widened the scope of the comprehensive claims' negotiations by including issues like sharing of resource revenues and aboriginal people's participation in environmental decision making. The Kamloops Amendment to the Indian Act initiated in 1988 increased the powers of band councils to levy local taxes on Indian and non-native persons with interests on the reserve lands. The amendment allowed the bands to develop their lands through leases to non-Indian persons.[30] Aboriginal people now control over 80 percent of DIAND's program funding and aboriginal authorities increasingly deliver such services as education, language and culture, police services, health-care and social services, housing, property rights, and adoption and child welfare.[31]

Changes in British Columbia's Indian Policy

Provincial governments, unlike the federal government, were slow in responding to the natives' demand for recognition of their aboriginal rights. Taking the stand that

constitutionally the responsibility of FNs lay with the federal government, for long the province of BC resisted the Canadian government's attempts to shift some of its responsibilities to the provinces.[32] Similarly, the province was reluctant to concede more powers to the band councils. However, after 1969 BC gradually accepted shouldering certain responsibilities like health, education, and social assistance especially for off-reserve Indians.[33] In 1975 the government of BC allowed the Nisga'a to have their own school district. A new district consisting of four villages was carved out wherein the Nisga'a were permitted to adopt their own curriculum, hire and fire the teachers, and control other aspects of education of their children. The health policy adopted in 1979 agreed in principle to delegate to the band councils the responsibility of providing health-care services to the native communities. In 1982 the province awarded a tree farm license to the Stuart-Trembleur band in northern BC. The provincial government also took the responsibility of providing services to non-status Indians. In 1982 the BC legislature passed Bill 58, the Indian Cut-Off Lands Disputes Act. The Act authorized the provincial government to enter into agreements with the Indian bands and federal government to resolve long-standing grievances over the loss of reserve lands in the early part of the century. In 1982 a royal commission of inquiry into Canada's fishing industry recommended that Indian claims on fish be acknowledged.[34]

Further, for more than a century the provincial political leadership in BC used the *terra nullius* argument to evade recognition of the existence of aboriginal rights. Governments and ruling parties at the provincial level always maintained that the aboriginal rights were extinguished long back with the colonization of their lands. Except for a few treaties initiated by Douglas prior to the emergence

of BC as a Crown colony,[35] no other treaties were concluded with the native communities. Compared to other regions, the reserves in BC were smaller in size. In fact, in order to accommodate the white settlers the provincial authorities took possession of a large chunk of land reserved for FNs without any treaties. Once Indians became conscious of their rights and started organizing themselves they began to claim aboriginal rights over the lands that were taken over from them forcibly and without any treaties. Apart from taking recourse to legal remedies, as was done in legal cases like Calder, Guerin, Sparrow, and Delgamuukw, the FN communities in BC also resorted to road blockades, rallies, hunger strikes, international pressure and other forms of pressure to pressurize the governments to accede to their demands.

The embarrassment created by the court rulings and the problems created by the growing Indian activism forced the Social Credit government headed by Bill Vander Zalm to reconsider its policies toward the Indians. Acknowledging the political salience of Indian interests the government created the Ministry of Native Affairs in 1989. During the Oka Crisis of 1990 the FN communities in BC became more militant and started taking direct action against logging, commercial fishing, and industrial ventures, causing much anxiety to the governments as well as to business. Premier Vander Zalm visited some of the blockades and spoke with the protesters. The same year following a recommendation from his advisory council the premier announced that the province would enter into negotiations with the Nisga'a. Even at that point of time BC was not prepared to acknowledge the validity of aboriginal title. The New Democratic Party (NDP), which took office under Premier Mike Hartcourt in the 1990s also took active interest in aboriginal affairs. The NDP expanded the role

and importance of the renamed Ministry of Aboriginal Affairs and recognized both aboriginal title and aboriginal right to self-government.[36]

The Royal Commission on Aboriginal Peoples

In the background of the Oka Crisis[37] and growing Indian militancy the federal government constituted a royal commission in 1991 to investigate and make recommendations on issues concerning the aboriginal peoples. The Royal Commission on Aboriginal Peoples (RCAP), comprising aboriginal and non-aboriginal representatives, completed its five-volume report in 1996. It called for a new relationship between aboriginal and non-aboriginal peoples based on recognition of the principles of equality, mutual respect, and reconciliation. To mitigate the effects of centuries of disasters and neglect the commission called for personal and collective healing for aboriginal peoples and communities. The commission emphasized mutually satisfactory negotiated agreements and endorsed the nation-to-nation paradigm as a way of conceptualizing the relationship between aboriginal nations and the Crown.[38] It recommended policies and programs that could break the cycle of poverty and dependency and ensure economic self-sufficiency for aboriginal peoples. Recognizing the aboriginal peoples' right to self-determination, the RCAP recommended formation of Indian self-governments within Canada to enable the Indian communities to take control of their collective future. The commission realized that Indian self-government would succeed only if the FN communities enjoyed a solid economic foundation and acquired developmental skills. To make the native governments self-reliant the commission called for a fair distribution of lands and resources and creation of their own sources of revenue

in the form of taxation, investment, borrowing, business fees and royalties, public corporation revenues, proceeds from lotteries and gaming, and so on. To support the rebuilding of aboriginal nations and to shift from paternalistic policies to partnership relations the commission made recommendations to the government for reaffirmation of Canada's respect for aboriginal peoples as distinct nations and admission of harmful actions by past governments.[39]

The report of the RCAP received wide publicity and considerable media attention. Many scholars and policy makers did not concur with the commission's contention that the aboriginal communities constituted distinct nations and that the future relationship between Canada and the First Nations should be based on a nation-to-nation relationship. Although the recommendations of the RCAP were viewed as too idealistic and impractical, they had some positive impact on the governments' Indian policy. In response to the commission's report the Government of Canada came out with an official document in 1998 entitled, "Gathering Strength – Canada's Aboriginal Action Plan." In the document the government admitted that:

> Our history with respect to the treatment of Aboriginal people is not something in which we can take pride. Attitudes of racial and cultural superiority led to a suppression of Aboriginal culture and values. As a country, we are burdened by past actions that resulted in weakening the identity of Aboriginal peoples, suppressing their languages and cultures, and outlawing spiritual practices. We must recognize the impact of these actions on the once self-sustaining nations that were disaggregated, disrupted, limited or even destroyed by the dis-

> possession of traditional territory, by the relocation of Aboriginal people, and by certain provisions of the Indian Act. We must acknowledge that the result of these actions was the erosion of the political, economic and social systems of Aboriginal people and nations.[40]

Such an open admission of the mistakes of the past did help in creating a congenial environment for reconciliation and cooperation between the FNs and the Canadian government.

British Columbia Treaty Commission

The absence of federal treaties has been a major bone of contention in BC. FNs in BC always argued that they had been deprived of access to land and resources without their consent and without any federal treaties. They confronted the Canadian governments directly demanding protection of aboriginal rights and their right to govern themselves. Uncertainties over land ownership of millions of acres of land led to expensive legal battles, road or rail blockades, mobilization of world opinion, and angry demonstrations. The Oka Crisis in the 1990s and its repercussions in different parts of Canada clearly indicated that if business companies and governments continued to remain indifferent to aboriginal aspirations they would have to pay a heavy price financially and politically. During the Oka affair several FN communities in BC came out openly in support of the Mohawks.

Realizing the negative consequences of radicalization of the aboriginal peoples' movement, both the federal and BC governments began to take positive steps to move away from the traditional Indian policy. Sensing a positive change in the attitude of the governments, Bill Wilson,

chairperson of the First Nations Congress, organized two meetings of the First Nations, one with the premier of BC and the other with the prime minister of Canada. In these meetings, which took place in a cordial atmosphere, the parties acknowledged the need for cooperation and understanding. The governments consented to explore new means and mechanisms to address the First Nations' issues. Responding to the First Nations' proposal for a tripartite task force the British Columbia Claims Taskforce was created in December 1990 with seven members, two each from the federal and provincial governments and three from the First Nations Congress. The task force recommended the formation of a British Columbia Treaty Commission (in short, BCTC or BC Treaty Commission), comprising five members to oversee negotiations without becoming a party to them. It was suggested that any aboriginal community or combination of communities (e.g., tribal councils) could initiate negotiations. The negotiations would be broad enough to cover all important issues relating to territory, compensation, land management, resource development, protection of language and culture, taxation, and also self-government.[41]

The task force suggested a six-stage negotiation process involving all three parties – the Canadian government, the BC government, and the First Nations. In the first stage of the treaty negotiation process, the First Nations willing to negotiate would send "statements of intent" to the Treaty Commission indicating their intentions to negotiate treaties; in the second, the readiness of all three parties to enter treaty negotiations was to be assessed and established by the commission. Over the third, fourth, and fifth stages, the parties were to negotiate a framework agreement, an agreement-in-principle (AiP), and then a final agreement. When ratified by all three parties, the final

agreement would become a treaty. In the sixth stage, the parties could also negotiate and agree to an openness protocol to provide for citizen involvement through public observation of negotiating sessions, media coverage, and public release of tabled documents.[42] Several First Nations which participated in the First Nations Summit supported the recommendations of the task force.

The NDP, which assumed office in 1992, went a step ahead of the Social Credit government by expanding the role of the newly renamed Ministry of Aboriginal Affairs and officially recognized both the aboriginal title and aboriginal right to self-government. In 1992 the two governments and the First Nations Summit signed the "British Columbia Treaty Commission Agreement," marking their formal acceptance of the task force's recommendation to start political negotiations to establish a new relationship based on mutual trust, respect, and understanding. The federal and provincial governments agreed on a cost-sharing formula for treaty settlements: in general, the federal government would provide cash, while the province would offer land. In 1993 the BC Treaty Commission was formally constituted and assigned with the responsibilities of facilitating the treaty process, disseminating information, raising public awareness, and providing loans to First Nations for starting treaty process–related activities.[43] The BCTC does not negotiate treaties; it only acts as the keeper of the treaty process in BC. The three parties at the negotiating tables are the First Nations, the Canadian government, and the government of BC. Behind these main parties are a host of third parties and related advisory structures which have an interest in treaty negotiations, often because of the legal rights, permits, or leases they hold.[44]

Modern Treaty Process in British Columbia: New Hopes and Old Problems

Immediately after the constitution of the BCTC the commission started receiving "statements of intent" from different First Nations. The actual negotiations began in 1994. According to an estimate, by October 1995, of the province's 198 FN communities, 130 of them (about 70 percent) had entered the treaty process.[45] While most communities are represented by the tribal councils some opted to negotiate individually. As of December 2006 there were 57 First Nations participating in the treaty process. Because some First Nations negotiate at a common table there were altogether 47 sets of negotiations.

At the time of writing this chapter (i.e. July 2008), six First Nations were in stage 2, four in stage 3, while stage 4 had 39 and stage 5 had eight. Maa-nulth First Nations, Lheidli T'enneh Band, Sliammon Indian Band, Tsawwassen First Nation, Yekooche Nation, and Yale First Nation signed AiPs, the blueprint for a final treaty. Lheidli T'enneh was foremost to ratify a treaty through the process. The Final Agreement provided Lheidli T'enneh First Nation a capital transfer of $13.2 million over 10 years, one-time funding of $12.1 million for implementation and transition costs, as well as $400,000 a year (indexed to inflation) for the next 50 years in resource revenue sharing. The land package included 4,330 hectares, a sizable portion within the city of Prince George.[46] It is anticipated that the conclusion of treaties would put an end to uncertainties and initiate economic development of the community and the region by ensuring adequate land, resources, and cash. The treaty commission claims that by putting an end to legal uncertainties, the treaties restore peace and understanding, attract private investment, and create more economic opportunities for the natives as well as non-natives.[47]

Many First Nations participating in the treaty process are going ahead with the negotiations with some expectations. But it needs to be stated here that not all First Nations of BC are optimistic about the treaty process. Approximately 30 percent of registered First Nations people in BC have not entered the treaty-making process. Leaders of some First Nations expressed no interest in the six-stage process of negotiations and are determined to assert aboriginal rights.[48] The UBCIC refused to participate in the treaty process on the ground that accepting the role of a provincial government in the negotiations would amount to acceptance of de facto displacement of aboriginal governments and their jurisdictions.[49] Many communities in the southern interior of the province, which are under the influence of UBCIC, did not respond positively to the treaty process for long.

Assessment of the Treaty Process

The treaty process, involving so many actors and interests, cannot but be quite complex. The process has to resolve many knotty issues. Although non-Indian communities are not involved directly in the negotiation process their concerns and interests cannot be totally ignored. Some critics felt that the government was yielding too much to the demands of the First Nations. According to one report the total financial cost of all treaties in BC is estimated to be $6.3–6.8 billion. The costs to be borne by the British Columbians (e.g., cash costs, pre-treaty and negotiation costs, provincial taxpayer's share of the federal government's costs) is expected to be $3.8–4.7 billion.[50] When the negotiation process was initiated it was assumed that tribal councils would represent different groups of First Nations in the treaty negotiation process. But fissures

and differences within councils led some individual First Nations to opt for direct negotiations. There are instances when First Nations whose members are not more than a couple of hundred have also opted to negotiate independently. Naturally, in such situations where more than the expected number of negotiating tables had to work, the negotiation process becomes overloaded and unable to deliver quick results.[51] The reluctance of the BC government to negotiate interim agreements also frustrated many a First Nation which expected quick results. Differences in perceptions of the Canadian government and the First Nations about the objectives of the treaty process also created tensions and misunderstanding between the two.

As such, the treaty process initiated in BC has many hurdles to cross. There have been moments of frustration, disappointment and anger for the parties. However, all three parties realize that there is no alternative. The failure of the treaty process only takes the situation back to the years of uncertainty and deadlock. The BC Treaty Commission takes every opportunity to remind the parties of the need for continuing with the negotiation process howsoever complex and time-consuming it might appear to be. The parties are advised to recognize the limits of one's own position and understand the expectations of others. It is held that with patience, firm commitment, courage, and creativity, it is possible to ensure successful negotiation and implementation of the treaties. The conclusion of an Umbrella Final Agreement (UFA) with the Council of Yukon Indians in 1993, the creation of a new territory of Nunavut for Inuit people in 1999, and the ratification of the Nisga'a Final Agreement Act in 2000 generate the hope that it is possible to reach agreements acceptable to all parties. The fact that by the end of 2006 eight First Nations had already signed AiPs and are ready for the Final Agreements also

raises hopes about the possibility of successful negotiation of treaties under the BC treaty process. Since passing through all six stages does take considerable time, interim agreements may be concluded wherever possible so that the First Nations retain faith in the treaty process. The time taken for completion of the process may be reduced considerably if there are only a few negotiating tables. For that, First Nations should reconcile differences among themselves and come together as tribal groups. The first quarter of the twenty-first century will be the testing period for the treaty process.

Self-Government Experiments in Action

While continuing the treaty negotiations for settlement of their claims and demands, the First Nations have already started taking steps to give shape to self-governments of their choice. While most native communities accept the need for an 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 the 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 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. Similarly, 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, FN National Chief, there are 109 First Nations' women chiefs while hundreds of women councilors are leading the First Nations' people. About 20 percent of the First Nations' leaders today are women.[52]

It is true that incidences of corruption, wastage, and mismanagement of funds are visible here and there, as Flanagan and others have pointed out. It would, however, be premature at this moment to conclude that the First Nation governments have failed in all respects. If one evaluates the performance of FN governments from modern administrative yardsticks one would probably jump only to negative conclusions. Most Indian governments are inexperienced and lack professionalism, but if one evaluates their performance from the perspective of the needs of the FNs their achievements do not appear to be all that bad. Many have been trying to do justice to their communities by shouldering different responsibilities. Realizing the need for an adequate land base, all First Nations are pursuing the land claims. 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 FNs in their projects.[53]

Today, not all reserves are poor and underdeveloped. 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. FN 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 FN entrepreneurs are trying to create their own niche in the market in certain domains where they have advantages.[54]

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, sea, and forest, they value 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 areas inhabited by aboriginal Indians. In

collaboration with non-aboriginal business enterprises some First Nations have initiated development projects that suit their interests. For example, declaring their intention to conserve and use forests for increasing the incomes and economic opportunities for FNs, 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 cultural values, Iisaak is working toward environmentally sustainable forest initiatives that ensure protection and promotion of the interests of the First Nations.[55] The Osoyoos Indian Band Development Corporation, 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 Corporation entered into an agreement with Vincor International, based in Mississauga, Ontario to produce quality wine for export.[56] The Okanogan-based First Nations in BC are also making similar experiments.

Aboriginal tourism is another area where FNs 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 FN initiatives in aboriginal tourism.

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, hence, not much is known about them. Except for studies by a few journalists like Dan Smith,[57] 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.[58]

If the majority of the First Nations in BC succeed in concluding viable treaties and succeed in their experiments they would be able to show the way to First Nations in other provinces of Canada and also to the indigenous peoples elsewhere in the world. Only the future will tell

whether the treaty negotiations and FN 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.

Notes and References

1. The Indian Act differentiates between status and non-status Indians. Status Indians are those who are eligible to become band members and allowed to live on the reserves. The legal criteria as to who could be considered as status Indians are defined in the Indian Act itself. The Indians themselves had little choice to decide on who should be status or non-status members. See James S. Frideres, *Native People in Canada: Contemporary Conflicts* (Ontario: Prentice-Hall Canada, 1983), 20–32.
2. Allan D. McMillan and Eldern Yellowhorn, *First Peoples in Canada* (Vancouver: Douglas McIntyre, 2004), 129.
3. Frank Cassidy and Robert L. Bish, *Indian Government: Its Meaning in Practice* (Lantz Ville, BC: Oolichan Books and the Institute for Research on Public Policy, 1989), 46–9.
4. Sally W. Weaver, *Making Canadian Indian Policy: The Hidden Agenda 1968–70* (Toronto: University of Toronto Press, 1981), 18–19.
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6. Noel Dyck, *What is the Indian Problem?: Tutelage and Resistance in Canadian Indian Administration* (St Johns, Newfoundland: Institute of Social and Economic Research, 1991), 119–20.
7. Renee Dupuis, *Justice for Canada's Aboriginal Peoples* (Toronto: James Lorimer, 2002), 102–3.
8. H. B. Hawthorn and C. S. Belshow, *The Indians of British Columbia: A Study of Contemporary Social Adjustment* (Toronto: University of Toronto, 1958), 451.
9. Ibid., 458.

10. Except a few aboriginal communities covered under Treaty Eight concluded in 1899 in the northwest corner of BC, other parts of the province were not covered by federal treaties.
11. Frideres, *Native People*, 235–6.
12. Paul Tennant, "Native Indian Political Organization in British Columbia, 1900–1969: A Response to Internal Colonialism," *BC Studies* 55(1981): 26–49.
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14. Rand Dyck, *Canadian Politics: Critical Perspectives* (Toronto: Nelson Canada, 2000), 73; also Weaver, *Making Canadian Indian Policy*, 20.
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17. Weaver, *Making Canadian Indian Policy*, 179.
18. Thomas R. Berger, "Native History, Native Claims and Self-Determination," *BC Studies* Special Issue, 57(Spring 1983): 17–18.
19. Tennant, "Native Indian Political Activity, 120–2.
20. Robert J. Muckle, *The First Nations of British Columbia: An Archaeological Survey* (Vancouver: UBC Press, 1988), 73.
21. Wotherspoon Satzewich, *First Nations: Race, Class and Gender Relations* (Scarborough: Nelson Canada, 1993), 233–4.
22. Quebec is a Francophone-dominant province in Canada. There has been a strong movement for greater autonomy for Quebec within Canada. Radical nationalists among the Quebec Francophones have been demanding secession of Quebec from Canada. In recent years Canada has been using the ideology of multiculturalism to corner the Quebec separatists. Refer Francois Rocher and Miriam Smith, *New Trends in Canadian Federalism* (Toronto: Broadway Press, 2003), 85–106.
23. Muckle, *The First Nations of British Columbia: An Archaeological Survey*.
24. *From Public Policy and Aboriginal Peoples 1965–1992*, vol. 2 (Ottawa: RCAP, 1994), 78–9.

25. Anthony J. Long and Menno Boldt, eds., *Governments in Conflict? Provinces and Indian Nations in Canada* (Toronto: University of Toronto Press, 1988), 39–41.
26. Anthony J. Long, Leroy Little Bear and Menno Boldt, eds., *Pathways to Self-Determination: Canadian Indians and the Canadian State* (Toronto: University Of Toronto Press, 1984), 77.
27. Dyck, *Indian Problem*, 149.
28. Jill Wherrett, *Aboriginal Self-Government* (Ottawa: Library of Parliament, 1996), 12.
29. Dyck, *Canadian Politics*, 74; Shirley Joseph, "Assimilation Tools: Then and Now," *BC Studies* 89 (Spring 1991): 69.
30. Wherrett, *Aboriginal Self-Government*, 10.
31. Dyck, *Canadian Politics*, 77.
32. Long and Boldt, *Governments in Conflict*, 45–7.
33. Robert Exell, "History of Indian Claims in B.C.," *Advocate* 48:6 (December 1990): 866–880. .
34. Berger, "Native History, 20–1.
35. During his tenure as governor of Vancouver Island, James Douglas negotiated 14 agreements with the FN communities and acquired land measuring 358 sq m. Douglas could not go ahead with such treaties due to paucity of funds. For more details about Douglas' Indian policy, see Paul Tennant, *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia 1849–1989* (Vancouver: UBC Press, 1989), 26–38; also Robin Fisher, *Contact and Conflicts: Indian–European Relations in British Columbia, 1774–1890* (Vancouver: UBC Press, 1992), 49–72.
36. Paul Tennant, "Aboriginal Peoples and Aboriginal Title in British Columbia Politics," in *Politics, Policy and Government in British Columbia*, ed. R. K. Carty (Vancouver: UBC Press, 1996), 55–56, 62.
37. In 1990 the Mohawks set up a road blockade for 78 days to prevent the nearby town of Oka from expanding a golf course onto land the Mohawks considered their own. The agitation turned violent and a police officer was killed. The government had to mobilize the Canadian armed forces to remove the blockade.
38. Frances Abele and Michael J. Prince, "Aboriginal Governance and Canadian Federalism: A To-Do List for Canada," in *New Trends in Canadian Federalism*, ed. Francois Rocher and Miriam Smith (Toronto: Broadway Press, 2003), 141.

39. *People to People, Nation to Nation: Highlights from the Report of the Royal Commission on Aboriginal People* (Ottawa: Library and Archives Canada, 1996), 26–7.
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41. Tennant, "Aboriginal Peoples," 58–9.
42. Abele and Prince, "Aboriginal Governance," 149.
43. Tennant, "Aboriginal Peoples," 63.
44. Abele and Prince, "Aboriginal Governance," 147–8.
45. Tennant, "Aboriginal Peoples," 63.
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48. Muckle, *First Nations*, 85.
49. Tennant, "Aboriginal Peoples," 62.
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51. "Looking Back, Looking Forward: A Review of the BC Treaty Process," BC Treaty Commission, http://www.bctreaty.net/files_2/pdf_documents/review_bc_treaty_process.pdf accessed 16 April 2007.
52. See Phil Fontaine's address to the First Nations Women Leaders Forum, Vancouver, BC (February 2007), http://www.turtleisland.org/discussion/viewtopic.php?p=7997&sid=c94cc136f052e280bc19ab5fa4107c74 accessed 14 December 2007.
53. See "Initiatives," BC Hydro, http://www.bchydro.com/ard/initiatives/initiatives905.html accessed 14 December 2007; "RBC Aboriginal Student Awards Program," Royal Bank of Canada (12 May 2005), http://www.rbc.com/uniquecareers/campus/aboriginal-student-awards.html accessed 14 December 2007.

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