

GLOSSARY OF TERMS (in alphabetical order)

Band Council: The legal term for First Nations government, as is defined in the Indian Act. A band is often, though not always, made up of a single community of First Nations people and controls one or more reserves. Though they control the land, neither the band nor its people actually own it, because the land is held in trust by the Crown. As determined in Section 74 of the Indian Act-

Subsection 74(2) provides that the band council be comprised of one chief, and one councillor for every one hundred members of the band, but that the number of councillors shall not be less than two or greater than twelve and that no band shall have more than one chief.

Subsection 74(3) provides that the Chief shall be elected by a majority of the votes of the electors or by a majority of votes of the elected councillors.

The band council system extinguishes the traditional, hereditary power and decision-making that First Nations relied on. The band council system has rules that have little or no relationship to indigenous beliefs and ways of relating to the land.

Customary Government: A First Nation's traditional form of governance that has been handed down through the generations.

DIA (aka Department of Indian Affairs, aka Indian and Northern Affairs Canada): This department of the Canadian government deals with issues concerning First Nations peoples, including but not limited to, land claims and the Indian Act.

Land Claim Settlement: Land claims are modern treaties that the Canadian government negotiates with First Nations who have never historically surrendered their title to their lands. They're also called "comprehensive land claims." The Canadian government makes them out to be a just way to resolve problems with their relations with First Nations. But in reality, it's a form of negotiated dispossession – conquest not by force of arms but by force of the letter. First Nations have to sign agreements that surrender the overwhelming majority of their lands in exchange for paltry amounts of money, land, and access to resources.

Minister of Indian Affairs: The Minister of Indian Affairs is responsible for overseeing the corresponding federal government department (Indian and Northern Affairs Canada), administering the Indian Act and other legislation dealing with "Indians and lands reserved for the Indians" under subsection 91(24) of the Constitution Act, 1867. Chuck Strahl was the Conservative MP who held this position, until August 6, 2010. The new guy is **John Morris Duncan**, MP for Vancouver

Island North. Here's his e-mail address: Duncan.J@parl.gc.ca and phone numbers: (613) 992-2503 & (250) 338-9381

Perron Report: Marc Perron was a high-profile diplomat hired to advise the Minister of Indian Affairs in 2007. He suggested that the Canadian Government deploy a wide-range of schemes against the Algonquins of Barriere Lake: to deep-six the Trilateral Agreement, to foment divisions in the community so as to weaken it, and to work with the province of Quebec to exclude the community from negotiations and short-change them with some money and infrastructure in place of honouring all their signed agreements. It looks like the government followed all his recommendations. Excerpts of this report are available at www.barrierelakesolidarity.org

Reserve: According to the Indian Act it is a "tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band." There are over 600 occupied reserves in Canada, most of them quite small in area, and very poor.

Settler Government: In Canada it's the Canadian Government. A settler is a person who has migrated to a geographic area, with the intention of staying there. In the instance of European migration to Canada, the English and French settled with the intention of colonizing the land and the people of Turtle Island.

Unceded Territory: According to British common law, the settler governments had to sign treaties in which First Nations would surrender or cede their title to the land. This needed to happen before the settler governments could settle or economically exploit the land. But in places like British Columbia and Quebec, these treaties were never signed. So First Nations there have **unceded** title to the lands. In recent years, the Supreme Court of Canada has been defining what that title means – it includes the right to decide how the land will be used, and economic share to the land. Instead of following the Supreme Court decisions, the government of Canada prefers to use the land claims settlement policy on First Nations, which violates section 35(1) of the Canadian Constitution, contradicts the Supreme Court judiciary, and has been condemned by UN human rights bodies who have advised Canada to stop forcing Indigenous peoples to surrender or extinguish their title when negotiating for lands

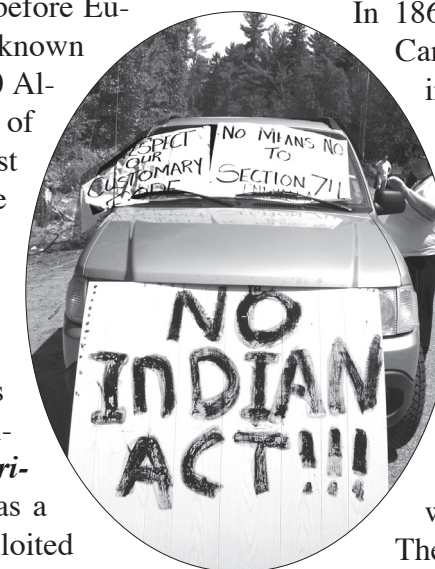
ROLL BACK SECTION 74!
SEE: www.barrierelakesolidarity.org
FOR UP-TO-DATE INFORMATION ON THE CAMPAIGN.

WHAT IS GOING ON WITH THE ALGONQUINS OF BARRIERE LAKE?

This leaflet is an introduction to the struggle of the Algonquins of Barriere Lake (ABL) against Section 74 of the Indian Act, as of September 2010. It is written assuming you know very little about the current political context of First Nations struggles in Canada, an assumption based on the fact that white school curriculum relegates colonization to history, while teaching little of its continuing existence today. Herein, we attempt to give you a brief but practical understanding of the reality of colonization in Canada right now, as it relates to the ABL's campaign against section 74. Any italicized words are defined in the glossary of terms, on the back.

SOME BACKGROUND THE INDIAN ACT : A BRIEF HISTORY

Barriere Lake Algonquins live on their **unceded territory**, 300 km north of Ottawa in Quebec. That land was home to Algonquin people long before Europeans settled in North America (first known as Turtle Island). There are about 450 Algonquin who live on this land. Most of the ABL speak Algonquin as their first language, unfortunately a rare feature of most indigenous communities today. The Algonquins' customary way of life is inseparable from the land they live on – it includes knowledge of traditional medicines indigenous to the area, hunting, fishing, spirituality and much more. The **unceded territory** spans almost 17,000 km² and has a wealth of resources that have been exploited by non-native people – every year \$100 million is made off the land through forestry, hydro-electricity, and tourism. The ABL do not see a cent of that money. More about that later.

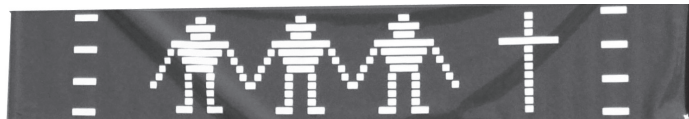


In 1867 under the British North America Act, Canada became a country. Canada gained independence from its colonizer, but Indigenous peoples simply got placed under a new colonial dominion. The BNA Act gave the new Canadian government the ability to interfere in Native peoples' lives by putting "Indians and Indian lands" under federal jurisdiction. They didn't bother to ask Native people what they thought.

In 1876, all policy towards native people was put into the consolidated Indian Act. The Indian Act sets out the federal governments obligations to First Nations people, and regulates the management of Indian **reserve** lands. The Algonquins of Barriere Lake are subject to this Indian Act.

(turn the page, read on...)

The Indian Act allowed/allows the Canadian government almost complete control over how Indians lived and interacted with non-Indians. At the same time, it gave the government special responsibility for the health, education, and lands of much of the Indian population. Like any Act in Canada, it has different parts, referred to legally as “sections” that have “sub-sections.” Sub-section 5-17 gives the legal definition of Indians, while Sub-section 53-60 refers to control of *reserve* lands, and so on. Different sections of the Indian Act may or may not be imposed on a given community.



Throughout time, the Indian Act was revised in order for the Canadian Government to gain more and more control over First Nations people, their culture and their land. For instance, the Indian Act banned potlaches, sun-dances, and many other ceremonial and political practices of Native peoples. In 1926, it became illegal for First Nations to use money to hire lawyers to argue their case in the courts. Because there was mounting political resistance to colonization, the *settler government* often refined the Act to create even greater advantageous terms for itself.

SECTION 74 of THE INDIAN ACT

Section 74 deals with the governance of First Nations.

Every Nation of people has its own ways of organizing and governing itself. For years before colonization, different Nations of people living on Turtle Island had their different and unique forms of governance, integrated with their traditional culture. For instance, the Mitchikanbikok Anishnabe Onakinakewin is the constitution of the Algonquins of Barriere Lake, by which they have been governing themselves for generations. It embodies their customs, values, and structures of accountability to each other and to the land. *(See sidebar to the right to learn about the Mitchikanbikok Anishnabe Onakinakewin)*

Until August of 2010, the ABL was one of the 10-15 communities in Canada that maintained its *customary government*. These communities have managed this despite the fact that the government of Canada has been trying for 130 years to impose a different governance system on First Nations – the *band council* system. *Band*

Councils are basically the white man’s government – the equivalent to a municipal council for a *reserve* (See Glossary for more detail).

Section 74 allows for the Canadian government to replace the First Nation’s *customary government* with the *settler government*’s structure of governance:

ACCORDING TO SECTION 74 (1) OF THE INDIAN ACT: ‘Whenever he deems it advisable for the good governance of a band, the Minister may declare by order that after a day to be named therein the council of the band, consisting of a chief and councillors, shall be selected by elections to be held in accordance with this Act.’

The Canadian government’s ultimate goal has been to politically assimilate First Nations and bring them under their control and influence.

IMPACTS of SECTION 74 on THE ABL

On August 12, 2010, the *Department of Indian Affairs (DIA)* forcibly imposed *band council* elections on the Algonquins of Barriere Lake.

Despite the community’s nearly unanimous opposition to losing their *customary government*, the Department of Indian Affairs held a phony nomination process, acclaiming a Chief and Council who received less than a dozen ballots out of hundreds of eligible voters. Casey Ratt was acclaimed Chief.

HOWEVER, even Casey Ratt, has announced he will not take the position, refusing to break ranks with the community’s opposition to the *DIA*’s policy.

Section 74 will have devastating consequences, both in terms of the community’s culture and in terms of the community’s relationship to the *DIA*.

- Their governance customs would be essentially wiped out
- It would undermine their connection to the land, which is maintained by their government system
- Elders will lose customary responsibility for cultivating

leaders and for shepherding leadership selections.

-Voting by secret ballot would undermine the consensus-based, directly democratic process.

- Indian Act elections would open eligibility for selecting leaders to people on the band registry list, not just those who live and use the traditional territory. As in many First Nations across the country, off-*reserve* band members who have no stake in the land’s protection but a say in elections or referendums concerning agreements will likely vote for cash deals that may undermine or extinguish land rights.

WHY IS CANADA DESTROYING A TRADITIONAL ABORIGINAL GOVERNMENT?

This brings us back to the beginning of this leaflet and the resource rich territory of the ABL. The Barriere Lake Algonquins have been campaigning for the Government of Canada and Quebec to honour the 1991 Trilateral Agreement, a landmark plan for the sustainable development of the community’s territories that would restrict logging practices to take into account their use of the land. The Trilateral Agreement is a unique alternative to typical *land claim settlements*, and would see that the Algonquin people would have a say over how their land is used. It would also guarantee them a financial return on any logging, hydroelectric or tourist initiatives on their land.

The Government of Canada hopes that abolishing their traditional governance system will sever Barriere Lake’s connection to their lands. With the community weakened politically, logging companies will have unchallenged reign over their lands. There is ample evidence of the Canadian Government’s strategy for weakening the community in a document called the *Perron Report*.

WHAT YOU CAN DO

Take Action:

Join us for a DAY OF ACTION TO SUPPORT THE ALGONQUINS OF BARRIERE LAKE

MONDAY DECEMBER 13, NOON, PARLIAMENT HILL

For those in Montreal, hop on a free bus to the Ottawa rally! Leaving 9am from Mackay and Maisonneuve. Returning to Montreal in the late afternoon or evening. TO BOOK A SPOT, email barrierelakesolidarity@gmail.com with your name

Donate: Donate through the website or by contacting us. barrierelakesolidarity@gmail.com

A BIT ABOUT THE ALGONQUINS OF BARRIERE LAKE’S CUSTOMARY GOVERNMENT:

THE MITCHIKANBIKOK ANISHNABE ONAKINAKEWIN

is the constitution of the Algonquins of Barriere Lake, by which they have been governing themselves for generations.

Elders have a key role in the leadership selection process, ensuring the customs are respected. They oversee what’s called a ‘blazing ceremony,’ where they nominate potential leadership candidates who are then approved or rejected by community members in public assemblies.

The community assemblies are open only to those who live in the traditional territory and have connection to the land. In Barriere Lake, political authority flows from the land.

Leadership requires the consent of the governed. Leaders can be removed at any time. This is direct democracy in practice, whereby community members get a regular say in the decision-making of their government.