Interviews With Native Leaders Across Canada About Self-government And The Indian Act

By Darren Bonoparte
MCA Public Relations Officer

Dennis Alphonse, former Chief of Cowichan, Vancouver Island, British Columbia

Q: From your experiences as a former chief, what has your experience been with the Indian Act?

A: I think its been a restrictive legislation and I guess back in the old days they figured they had to look after us like we were children and they had to make all the decisions. That mentality is gone but the legislation is still there. I think it has to evolve, the power has to be put back where it belongs and that's right at the local community, with the chiefs in council, and with the people having the say in who the leaders are going to be in their community. It has to evolve. Self-government is a big step for our people because of the way its been going for many years. You can't just get into self-government over night. Like in Cowichan, we probably are prepared to get into self-government but I think it still needs time for people to adjust to that concept.

Q: What kind of day-to-day problems has the Indian Act posed for your community?

A: The red tape and the bureaucracy has really hindered our progress. In Cowichan we have pretty close to 3000 people and that's a lot of people to look after. We're trying to get into employment opportunities and self-sufficiency. We've started some companies like construction, housing, and a natural gas pipeline which has become quite successful in its first year. I think we could do a lot if we had more freedom and flexibility. You do need some time to evolve into that self-sufficiency.

Q: How has your community tried to assume control of your own affairs?

A: In Cowichan we've taken over just about everything that we need to look after our people. Membership and all that, land management decisions...it's all at the local level. That could be considered a self-government type of role. That's why I think we could get into it quite quickly if the legislation is there to allow us to do it.

Q: Are there any people in your community who are opposed to this and say you should stick with the way things are?

A: Our own people will have their own concepts. Back in the old days the elders used to say we shouldn't have moved from number 1 to number 2 and they regretted the move for certain reasons. But there's always pros and cons for advancement and change and some people are actually afraid to change.

Frank Tseleie

Frank Tseleie, First Nations Constitutional Circle, Dene Nation, North west Territories

Q: Where is your community located?

A: I come from one of the most northerly communities. If you picture the continent of North America, we're probably the most northerly First Nation. Our traditional lands overlap with the Inuit. That's where I come from.

Q: What kind of problems does the Indian Act pose to your day-to-day governance there?

A: The Indian Act is probably one of the most contentious laws in terms of the laws that are imposed on First Nations. Historically the First Nations had their own constitutions. In fact, some of the First Nations in the country still maintain their traditional constitutions and traditional ways. The other extreme is a totally legislative type of government. Most of the First Nations are a partial adaptation of the European system, a combination of the traditional system and the European system. If you think about what happened to the traditional governments and what impacted on them, the Indian Act is only one of them. There were also residential schools that interfered with our ways. The Indian Act is only one of the laws that interfered and had a profound impact over the last 100 years.

There's a lot of discussion now, in fact real agonizing discussions over treaties, and the treaties really stand by themselves and have nothing to do with the Indian Act. You hear a lot comments about Indian Act chiefs and Indian Act governments, and that's what they are. From what I've gathered, what the Indian act did, the traditional leaders that originally signed the first treaties were completely set aside after the Indian Act and were replaced with Indian Act chiefs. And that's most First Nations' situation today.

Q: Is your community trying to get away from that?

A: My community is totally different because the Dene Nation is probably one of the last First Nations in the country to have the most recent contact. I come from Treaty 11 and that is one of the last treaties, signed in 1921. Treaty 11 encompasses a large area, most of the western half of the Northwest Territories, it extends into Northern Alberta, parts of Saskatchewan...for one thing, we have no provincial jurisdiction to contend with. Secondly, we still occupy and use all of our traditional territories. Thirdly, we have no reservations. And last but not least, we outnumber the non-native people where I come from. And that's the primary difference between where I come from and the rest of the country.

So if you're asking me what the Indian Act has done to us, it effects us although we're not conscious of it, because really, we never did use the Indian Act and it doesn't apply to us. As you know, the provinces have a say in how the constitution will work in this country and how it will be changed. But the NWT to a large extent doesn't have a constitution at this moment. We don't even have a seat, don't even have a say. In the Canadian system, the status is different. My observation from my travels with the commission across the country is that once provinces were created, new laws affected us. Provincial jurisdictions over land further eroded our rights, even to the extent of categorizing our people on various levels. For instance Bill C-31 completely alienated a lot of First Nations citizens from their own territories.

Grand Chief Matthew Coon-Come, Grand Council of the Crees, Quebec

Q: What are your impressions of where the A.F.N. is now in regard to the constitutional debate?

A: I think its clear from this meeting now that Ovide has been given a clear mandate by the treaty groups, because there's some fear among the treaty groups as to where they fit into this process, where treaty rights fit in. So that's been clarified, and I think he now has a clear mandate, a reaffirmation of the positions that actually were taken back in the First Ministers' conferences and after the failure of Meech Lake on the composite agreements that we agreed to. Now he has a mandate, and now he can go there with confidence, knowing that he has the full support of all members of the Assembly of First Nations, that he's going to be there to negotiate from strength.

As to the details of it, we don't want to talk about details because you don't lay your cards on the table until you get there.

A: I'm interested in your experiences and problems with the Indian Act in your community.

Q: We dealt with the Indian Act when we signed the James Bay I agreement. We don't believe in the Indian Act. The Indian Act is a piece of legislation that governs the day-to-day activities of the Cree Nations in the James Bay territory, and it's just an extension of the armed department of Indian Affairs. We don't like it, so we scrapped it, and we codified our own customs and traditions and replaced the Indian Act with the Cree-Naskapi Act. We dealt with the question of who or what is an Indian. For us, once a Cree, you're always a Cree. If you marry a non-status, you don't lose your status. That's the Cree way. We dealt with the Meti problem. The Meti have always lived with us, they have their own traplines. The Italian man will transfer his land to a Meti (non-status) because the Italian man has the authority over his hunting grounds. The traditions prevail, the customs prevail. The Italian man is part of our group. So we dealt with it. We don't have a problem with the Metis, the non-status. They ~~became beneficiaries~~. They're Crees. They have the same rights as Cree people. So we dealt with the Indian Act, and scrapped it. I believe that if you say you are a nation, then you have the right to determine your own membership. That is self-government.

Q: Was there anyone in your community who ever put up resistance to scrapping the Indian Act?

A: No, because everybody knew that it is a foreign legislation that is imposed on you that dealt with day-to-day activities. If you wanted to make your own will to dispose of your belongings, the Indian Act said it's up to the Ministry in the end. But the custom is the family council; it's the family council that decides the distribution of the belongings of the deceased. We knew firsthand from a death in the family of how we do it, and the implications of that because within our culture, being a hunter, a trapper, and a fisherman, that these belongings are very important and very sacred. Those are the tools of his trade that have sustained us to survive as a people. So we felt the direct impact. We didn't have the real serious problems of losing your status, although there was intermarriages. There was no problems, we dealt with it internally. So there was nobody that got up and said "hey, we should maintain the Indian Act." No way. Everybody agreed that we scrap it.

Q: Did you have elections under the Indian Act?

A: We have elections but it's not under the Indian Act. We have elections according to band custom. The band custom is that people are named. When people are named, sometimes they are asked to line up at the front and people line up behind them. You know, to face the wall... That's the way we did it. As we grew in population, we understand that we have to change with the times and the circumstances, so we opted for elections with a ballot system, nominations, certain dates to vote, advance polls, etc. So we adopted that, and at the same time we incorporate some of the customs on the way we appoint our leaders. It worked well. We've taken the best of both worlds.

Q: I'd like to ask you about the James Bay hydro project. When New York Governor Mario Cuomo cancelled New York's contract with Hydro Quebec, was that seen in your community as a major victory, or do you foresee a long, big fight still ahead of you?

A: We cherish the victories that we have because it means a lot to the people. It's equated with a major battle that we've won. It's a major blow to the work of the power authority, to Hydro Quebec. We saw it as a signal to Quebec that you now have to look at energy conservation, energy-efficient programs, co-generation...that the era of trying to stimulate the economy with megaprojects is gone. This is the Nineties. You have to think of new projects, new ideas. The diversion of major rivers is unacceptable. Re-arranging the geography of the land is irresponsible, and affecting the fundamental, basic human rights of a people who depend on the land as a way of life is unacceptable.

That to us was a signal, but I could not forget the first James Bay I. We won in the court, but in seven days it was appealed and we lost. I was very aware of that, so I wasn't too excited, because I could see a repeat of history. And sure enough, as you know, it's back on. They've revisited their plans, and they're saying "We're going to go ahead and build it anyway, except we're going to build it in stages." So they're still obsessed with building dams, but definitely a major blow, because they need the American dollars, they need the American investment, they need the American money to proceed, to go ahead with the project. So it was a major blow.

Mattew Coon-Come

Q: Do you see any connection between the Hydro project and Quebec separation?

A: Oh, definitely. The real question is about the ownership and jurisdiction of natural resources. That's the real issue of water rights, of sea rights. Quebec says that it's Quebec territory, it's not Cree lands. And of course we're saying it's Cree territory, Cree lands. And we're saying we still have the full ownership and jurisdiction. That's the real issue, and of course that's tied in with the consitutional debate. Quebec definitely, in the re-distribution of powers, I'm sure would like to have energy, environment, the fisheries, if possible, the natural resources, so they can do what they want to within Quebec. It's the provinces that are the proponents of all these projects. Their puppets are Hydro Quebec, Manitoba Hydro...they're just following orders.

Q: Would you say it was economic reasons that prompted Cuomo to cancel the contract, or was it pressure from the grass roots level?

A: No politician, whether Governor Cuomo, the Premier, or the Prime Minister, would ever say "We were defeated by those Indians." They'll never say that. They'll never say "We were defeated by environmentalists." But one thing is for sure, we were a major player. We were one of the many who believe in the preservation of the environment, the continuation of a way of life of a people who depend on the land. We could not have done it without the support of the environmental groups, the church groups, the unions, and within the business community in Canada, Quebec, and the United States. So it's a combination of many things. We were in the courts, the courts agreed with what we were saying, we used the judicial process...we used political pressure, we used the media, we had a public relations campaign, and it's a combination of many things. So it's difficult to pinpoint as to exactly what the reasons were. One thing is clear, in this day and age, aside from economic reasons, one has to take into consideration environmental consequences and human rights. They definitely played a role in the decision Mario Cuomo made. It was a wise decision for him.

Q: What kind of economic development do the Cree plan to pursue?

A: We already have a main economic base: for hunters, fishermen, and trappers, the land is still the largest employer. It's not the band offices, it's not the school boards, it's not the health board, it's not the policing, it's not the administrative institutions that we've set up. It's the land, the land is the largest employer.

We recognize that our population is going to increase, and our land is going to decrease. It's decreasing because of flooding, because of clear-cutting operations. When you do clear-cutting operations you affect the animal habitat, you affect the small and big game. In effect you drive off the land the hunters, fisherman, and trappers. The mining is coming in, the settlements are coming, and development is going to happen in the north. So we have to get ready for them.

We reasonably understood and we signed a treaty that we have a say in the development of the territory, that we'd be able to participate in establishing the essential infrastructure other than the megaprojects, because the Crees are not anti-development, we are against irresponsible development. Diverting major rivers is irresponsible development and it's unacceptable.

We're involved in construction, we're involved in aviation, in distribution, and we recognize that the area that we live in is the only place to develop now, because the governments have expropriated all of the natural resources down south. The only place they look to development is up north. That's a reality. And who lives in the north? It's all native people. In Quebec it's the Crees. So we were aware of that. We thought that we would do the same development they're trying to do, participate in our own aspects of forestry, mining, transportation, and tourism, and we're working towards that. But every time we try to do something we run into a wall because it conflicts with the policies of the government. That's where the failure of the agreement is because the governments can still do what they damn well please (and) break their agreements. We're left with broken promises because they've already done what they wanted: they wanted your water, they got it, they concentrated on their projects, and they left their broken promises and broken treaties.

Q: What role did your alliance with the Assembly of First Nations play in your involvement with Quebec?

A: We were always involved to assure the protection of Cree rights, the protection of our treaty, and to make sure that it's not domesticated. We wanted to have it recognized as an international covenant because we understood it was an agreement between two nations. Based on nation-to-nation, signed between two sovereign nations. The fact that we signed the treaty clearly states that we're not just a minority, we're not just another interest group, we are a nation, and we've exercised that right. Because that right you have is only good to the extent that you want toexercise it. So we decided to exercise that right.