

A History of Indian and Northern Affairs Canada



The relationship between the Crown and Aboriginal people in Canada is one which has been in near constant evolution since it was first established over 300 years ago. It has been impacted by commercial and economic pressures, by shifting alliances and external threats, as well as by policies of protection and subordination. Initially created to manage the military alliances, the Indian Department has been transformed over time into the Department of Indian and Northern Affairs, managing not only Canada's relationship with First Nations, the Inuit and Métis, but also all of Canada's North. Indian and Northern Affairs Canada continues to change to meet the needs and challenges faced by Canada's Aboriginal People.



European Colonial Settlements and the Fur Trade

While not until the 1500s did Europeans begin to establish settlements on the eastern shores of North America, the wealth and resources of the "New World" were already well known. Different European fishermen were already making contact and trading with the Mik'maq and Maliseet people of the Eastern seaboard. By the 1600s, a network of competing colonies was established throughout the Americas. In North America, the British and the French colonies quickly became the dominant and competing powers.

While the settlement of colonists was desired by the European powers, their main interest in the "New World" was commercial. The establishment of trade alliances made the expensive European colonies commercially successful. With the assistance of Aboriginal hunters, exports of furs to Europe generated huge profits for relatively small expense. Using the long established indigenous trade routes of the Interior, a vast trade in furs, focussed on beaver pelts, spread across North America and incited new European explorations throughout the Great Lakes

basin, into the Prairies and down the Mississippi River. As colonies grew and European conflicts spread to North America, both French and British colonial and military leaders began to depend heavily upon their new Aboriginal allies for help in defending their colonies and attacking their enemies.

Military alliances and conflict

This profitable and important fur trade, coupled with the different European and First Nations interests, quickly became the basis for a series of violent clashes throughout the 17th and 18th centuries. As French and British colonies pushed further inland, competition for control of the rich interior of North America became a new theatre of war in the many power struggles erupting across Europe. As the Europeans fought each other, the different commercial alliances transformed themselves into vital military alliances that brought much needed support to both camps. British administrators, desperate for military assistance during the final



French-British conflict in North America, the Seven Year War, created the Indian Department in 1755 in an effort to better coordinate alliances with the powerful Iroquois Confederacy as well as attempt to alleviate concerns of colonial fraud and abuses against First Nations people and their lands along the colonial frontier. The Indian Department, under the leadership of Sir William Johnson, quickly rallied the Iroquois Confederacy to the British cause, negotiated treaties of neutrality with France's Aboriginal allies, and struggled to maintain peace and good trade relations once hostilities ended.



The Royal Proclamation of 1763

After the Seven Year War, Britain was now the primary European power throughout much North America and controlled the valuable commercial fur trade. The British realised that the success of Britain's American colonies depended upon stable and peaceful relations with First Nations people. In 1763, a Royal Proclamation was issued to announce how the colonies would be administered and establishment of a firm western boundary for the colonies. By establishing this boundary, all

the lands to the west became the "Indian Territories" where there could be no settlement or trade without the permission of the Indian Department and strictly control by the British Military.

The Proclamation also established very strict protocols for all dealings with First Nations people, and made the Indian Department the primary point of contact between First Nations people and the colonies. Furthermore, only the Crown could purchase land from First Nations people by officially sanctioned representatives meeting with the interested First Nations people in a public meeting. The Royal Proclamation became the first public recognition of First Nations rights to lands and title.

Treaties and a growing colony

In the late 18th century, the relationship between First Nations people and the Crown was still very much based upon commercial and military needs. As British administration was being organised throughout the Great Lakes basin, the Indian Department's primary goal was to maintain the peace between the vastly outnumbered British soldiers and traders scattered in a network of trading posts and the well armed and numerous First Nations groups inhabiting these lands. Under the direction of Sir William Johnson, the Indian Department acted as the intermediaries between the



Military and First Nations leadership.

The loss of the American colonies in 1783 after the War of Independence brought some 30,000 United Empire Loyalist refugees to the remaining British colonies in North America. A powerful block of people who had lost everything because of their support for the British cause, these loyalists called upon colonial administrators for new lands. First Nations people who had fought along side the British, especially the Six Nations of the Iroquois Confederacy, were also dispossessed by the war. As a response, a series of land surrender treaties were negotiated by officials of the Indian Department with the different Ojibway or Abishnabe peoples inhabiting the lands along the St. Lawrence River and down around the Great Lakes. By mostly preceding the arrival of settlers in the area, these land treaties allowed for the remarkably peaceful establishment of an agricultural colony. At the same time, in an effort to compensate their First Nations allies for their losses incurred during the war with the Americans, two parcels of lands were set aside as reserves for the Six Nations, one at the Bay of Quinte, and the other along the Grand River.

For British military leaders and the Indian Department, it was considered vital that the strong military alliances between the British and First Nations people be maintained during last decades of the 18th Century as they feared a future conflict with the new American state to the South. The Indian Department strived to bolster the damaged alliances through fair dealings with its allies. These alliances proved to be strong as war did eventually break out between Britain and its former colonies. During the War of 1812, First Nations people fought along side the British and Canadian colonists against American invasion in what is now southern Ontario.

Shifting Relationships

Less than 50 years after the first land surrenders brought settlers to Upper Canada, the non-Aboriginal population now outnumbered First Nations people in the Great Lakes basin. As more colonists arrived, the pace of land treaties increased to allow land for their farms. In all, some 35 land surrenders treaties were concluded and covered all the lands of Upper Canada, from the productive farm lands in the south to the natural resource rich lands of Lake Superior and Georgian Bay. As more and more land was coveted, settlers began to pressure and push for those lands held by First Nations people. Some of these land treaties, however, proved to be somewhat problematic because of poor descriptions, missing signatures and confusion of boundary lines. After a century of complaints and a commission of inquiry, two new treaties, the Williams Treaties, were concluded in 1923 to settle any outstanding Aboriginal title in the lands in Central Ontario.

"Civilising the Indian"

As the military role of First Nations people waned in the eyes of British administrators, new ideas and approaches towards this relationship began to take hold. Throughout the British Empire, a new perspective emerged regarding the role that British



society should have with respect to the different indigenous peoples around the world. Fed by a belief in the superiority of British ideals and society, and a missionary fervour, initiatives were created to bring British "civilisation" to indigenous people throughout the Empire. In the colonies of Upper and Lower Canada, the Indian Department became the vehicle for the expression of the new plan of "civilisation". Based upon the foundation that it was Britain's duty to bring Christianity and agriculture to the First Nations people, Indian agents shifted their roles from solidifying military alliances towards encouraging First Nations people to abandon their traditional ways of life and to adopt a more agricultural and sedentary, more British, life style. By doing so, First Nations people would become assimilated into the larger British and Christian agrarian society.

Starting in the 1820s, different initiatives, such as model villages, were undertaken in an attempt to "civilise" First Nations people. One early assimilation experiment was tried at Coldwater-Narrows, near Lake Simcoe in Upper Canada. A group of Ojibway were encouraged to settle in a typical colonial style village where they would be instructed in the agricultural arts, encouraged to abandon hunting and fishing as a means of subsistence, and adopt Christianity. Because of poor management by the Indian Department, chronic underfunding, a general lack of understanding of First Nations culture and values, as well as competition between the followers of different religious denominations, the Coldwater-Narrows Experiment was a dismal failure and short-lived experiment. Despite initial problems, the civilisation, or assimilation, program became one of the central tenets of Indian policy and legislations for the next 150 years. Programs were created and legislation was passed by the colonial assemblies to not only protect Indian reserve lands but also to create new incentives for Aboriginal people to abandon their traditional ways of life and adopt a more

agricultural lifestyle.

Indian Policy in British Columbia

On North America's West Coast, quite a different relationship developed between European settlers and the region's Aboriginal inhabitants from that developed in the Great Lakes basin. For nearly 50 years, settlement had been overshadowed by commercial aspirations of the Hudson's Bay Company. Holding a trade monopoly for the entire British half of the Oregon territory, the HBC was content to keep its diplomatic dealings with the West Coast Aboriginal peoples strictly to commercial matters relating to the fur trade. Following the relocation of the HBC primary post to Vancouver Island and a new mandate to establish a colony, the HBC's Chief Factor, and then colonial Governor after 1854, James Douglas undertook the signing of 14 treaties with various Coast Salish communities on Vancouver Island between 1850 and 1854. These treaties surrendered land required for settlement around various HBC posts, exchanged for lump sum cash payments and goods, and the continued right to hunt and fish. The creation of the colony of British Columbia in 1859, and the rise of local control over colonial administration, had a deep and lasting impact upon the First Nations in British Columbia. Led by colonial officials such as Joseph Trutch, colonial surveyor and later lieutenant governor, the colonial assembly slowly retracted the policies established by

Treaty No.	Date	Indian Peoples Concerned
1	29 April 1850	Tsawhila (Songhees)
2	30 April 1850	Weswamen (Squamish)
3	30 April 1850	Swisgwahung (Songhees)
4	30 April 1850	Chiwawich (Songhees)
5	30 April 1850	Miyonoth (Songhees)
6	30 April 1850	Chikomien (Songhees)
7	1 May 1850	Sow (Sowas)
8	1 May 1850	Kahwakan (Seechew First Nation)
9	1 May 1850	Chiwahyoun (Seechew First Nation)
10	4 February 1861	Qwetchan (Fraser Canyon)
11	4 February 1861	Qwetchan (Fraser Canyon)
12	1 February 1862	South Saanich (Aboriginal)
13	11 February 1862	North Saanich (Aboriginal), Pausachin, Tseyunt, Saanich
14	20 December 1864	Saanich (Fraser Canyon, Nanaimo)

Douglas during the 1850s. Treaty making did not continue after 1854 due to British Columbia's reluctance to recognize First Nation land rights. This denial of Aboriginal land title persisted even after British Columbia joined Confederation, and contrary to the Dominion's recognition of this title in other parts of Canada.

Confederation

In 1860, authority of Indian affairs was transferred to the colonies. Through this, the Imperial Crown dispensed with the last of its responsibilities towards its former allies. Individual colonial responsibility over Indian affairs did not last long as the responsibility for the management of "Indians and Indian lands" became a federal responsibility under the 1867 British North America Act. The new Dominion of Canada not only meant a centralised approach to Indian Affairs as it had been done under the British, it also opened the way to extending Canada's influence over First Nations people outside of the Dominion through the purchase of Rupert's Land, the Hudson's Bay Company lands, in 1869. Through this purchase, Canada was now responsible for addressing the needs and claims of First Nation peoples from the Atlantic to the Rocky Mountains.

The Numbered Treaties

Between 1871 and 1921 in the lands acquired from the Hudson's Bay Company in 1869, Canada undertook a series of land surrender treaties in order to fulfil the requirements under the transfer, to secure Canadian sovereignty, to open the land for settlement and exploitation, and to reduce possible conflict between First Nations and settlers. The Crown negotiated eleven treaties covering all the lands in Northern Ontario, the Prairies and the Mackenzie River up to the Arctic, commonly known as the Numbered Treaties. The treaties can be divided into two groups: those for settlement in the South; and



those for access to natural resources in the North. These treaties set aside reserve lands, annuities, and the continued right to hunt and fish on unoccupied Crown lands in exchange for Aboriginal title, as well as schools and teachers on reserves, agricultural implements, ammunition and twine, and medals, flags and suits of clothing for chiefs and headmen. First Nation signatories had their own reasons to enter into treaties with the Crown. They were looking to the Crown to come to their assistance in a time of great change and upheaval in their lives. With epidemics and famine striking their people, First Nation leaders wanted the government to help care for their distressed people and assist them in adapting to their changing economic reality as the buffalo herds neared extinction and the HBC shifted its operations to the North.

The Indian Act

While treaties were being negotiated in the West, legislation was introduced in 1876 which would have deep and long lasting impacts upon First Nations across Canada. The Indian Act of 1876 was a consolidation of regulations that impacted First Nations people living throughout the country. It gave greater authority to the Department of Indian Affairs by permitting it to intervene in a wide variety of

issues and to make sweeping policy decisions across the board such as determining who was an Indian, managing Indian lands, resources and moneys, controlling the access to intoxicants and promoting "civilisation". The principle behind the Act was that it was the Crown's responsibility to care for and protect interests of First Nations people by acting as their "guardians" until such time as they could reach a level of sophistication that allowed them to fully integrate into Canadian society. The Indian Act was frequently amended in the 70 years after it was passed into law in 1876. The amendments were largely concerned with assimilation and civilisation of First Nations people. Amendments to the Indian Act became increasingly restrictive and imposed ever greater controls upon the lives of First Nations peoples.

Administration of the North

After their acquisition from the Hudson's Bay Company in 1869, the administration of the unorganised parts of the North-West Territories is the responsibility of the Dominion Lands Branch of the Department of the Interior. For the following decades, the administration of these areas, including the Far North, focuses on resources exploitation, especially mining and timber. After the gold strike at Bonanza Creek leads to the Klondike Gold Rush and the arrival of thousands of miners and prospectors, in 1898, Canada establishes the Yukon as a separate territory from the North-West Territories to better administer the areas rapid development. At the turn of the century, the Department of the Interior is repeatedly reorganised to meet the growing interest in the more northern areas of Canada. Successive branches are created to deal with the Yukon, mining and lumber in the Territories, while attempts to secure Canada's sovereignty in the North are made.

Indian Education and Residential Schools

As the Indian Act extended the government's

control over the lives of First Nations people, the Department of Indian Affairs also turned its attention to the education of First Nations children. Relying heavily upon the network and expertise of various religious groups, two different types of schools were created: day schools on reserve which educated the vast majority of First Nation children, and residential schools which brought children from several different reserves together. In 1883, Indian Affairs policy on First Nations education would focus on the residential schools as the primary vehicle for civilisation and assimilation. Through these schools, First Nations children were to be educated in the same manner and on the same subjects as non-Aboriginal children: reading, writing, arithmetic, languages, while more coercive practices would be used to force them to abandon their traditional languages, dress, religion and lifestyle. A network of schools was established across Canada by the Catholic, United, Anglican and Presbyterian denominations. By 1948, there were 78 schools in operation with nearly 10,000 students enrolled.



Responsibility for the Inuit

Since Confederation in 1867, the Inuit people fell outside the responsibility of the Department of Indian Affairs. Based on the wording of Section 91 (24) of the British North America Act which stipulates federal responsibility for "Indians" and no other Aboriginal

group, the Inuit are considered regular citizens. In an effort to seek compensation for assistance provided to Inuit living within the province, Québec argues that the Inuit should be a federal responsibility just as are Status Indians. In 1939, the Supreme Court of Canada rules that, for administrative purposes, the Inuit should be considered as "Indians" and be the responsibility of the federal government. Shortly afterwards, a specific branch in the Department of Mines and Resources, is mandated with the welfare of the Inuit.

Rolling back Paternalism

In light of Aboriginal Canadians participations in the First, Second and Korean wars, in 1946, a special joint parliamentary committee of the Senate and the House of Commons was formed to broadly review Canada's policies and the management of Indian affairs. Over the course of three years, the committee received briefs and representations from First Nations, missionaries, school teachers and federal government administrators. The committee hearings were one of the first occasions where First Nation leaders and elders were able to address parliamentarians directly instead of through the intermediary of the Department of Indian Affairs. On the whole, First Nations members rejected the idea of cultural assimilation into non-Aboriginal society. Many groups asked that these "wide and discretionary" powers by the government over their affairs be vested in the chiefs and councillors on reserves so they, in turn, could determine questions of band membership and manage their own funds and reserve lands. While not recommending the full dismantling of the Indian Act and its assimilation policies, the joint committee did recommend that unilateral and mandatory elements of the Act be revised and scaled back. Furthermore, the committee recommended that a claims commission be established to hear problems arising from the fulfillment of the treaties.

Despite the extensive hearings and the committee's report, a 1951 amendment to the Indian Act did not bring sweeping changes to Indian policy or greatly differ from any previous legislation. While the 1951 Act does limit some of the authority of the minister over the affairs of individual band, government powers over First Nations life remained formidable. Although the Indian Act still limited First Nations' control over their own affairs, by 1960 some improvements had been made in their social and economic conditions. For example, in 1960 that the right to vote in federal elections, another recommendation of the 1946 Joint Committee, was at long last extended to First Nations members.

Department of Indian Affairs and Northern Development

After continuous growth since its creation in 1880, the Department of Indian Affairs is reduced, in 1936, to the level of a branch within the Department of Mines and Resources so as to reduce costs and increase the rate of Aboriginal assimilation. At the same time, responsibility for the Territories and the north was first transferred to the Dominion Lands Board, then into the Department of Mines and Resources, and finally the Department of Northern Affairs and National Resources in light of growing federal interests in the North. In 1966, the Hawthorn Report severely criticises the Indian Affairs policy of assimilation and recommends that Indian and Northern affairs be reorganised and aligned to better serve the needs of Aboriginal people. That same year, the Indian Affairs Branch and the Northern Branch are merged and reorganised into a new Department with a mandate for Indians, Indian lands, the Inuit and the North.

The White Paper

In 1969, the Trudeau Government began to examine a radically new approach to Indian affairs based upon a concept that all Canadians held the same

Several court cases have helped define these existing Aboriginal and treaty rights, as well as direct government policies and programs so as to respect and prevent the infringement of those rights.

Bill C-31

In 1985, an amendment to the Indian Act, known as Bill C-31, was proposed with the specific intent of correcting more than 150 years of discrimination against First Nations women. Since the mid-1800s, it had become policy that when First Nations women married non-Aboriginal men, they automatically lost their Indian "status". Many First Nation women viewed this section of the Indian Act as a blatant form of discrimination, and by the 1980s, criticism of this section was widespread throughout Canadian society. In 1985, an amendment to the Indian Act, Bill C-31, removed discriminatory provisions, eliminated the links between marriage and status, provided greater control of membership to individual bands, and defined two new categories of Status. With this amendment some 60,000 persons regained their lost Indian status. In addition, Bill C-31 created a separation between band membership and Indian Status. While the Department of Indian and Northern Affairs would continue to control status, bands had complete control over their membership lists in accordance to their own rules.

The Oka Crisis and RCAP

On July 11 1990, Quebec provincial police tried to dismantle a roadblock set up in mid-March by a group of Mohawks from the community of Kanesatake on the outskirts of Montréal who were trying to prevent the nearby town of Oka from expanding a golf course onto lands sacred to local Mohawks. One police officer was killed during the raid. For 78 days, armed Mohawk warriors faced Quebec provincial police, and later the Canadian Armed Forces, across a roadblock barricade.



Just days before the conclusion of the Oka Crisis, on September 25, 1990, the Canadian government announced a new agenda to improve Canada's relationship with First Nations people. The new measures attempted to address the concerns of Aboriginal leaders, including better progress on land claims settlement, the creation of the Indian Specific Claims Commission, improved living conditions, an improved federal relationship with Aboriginal people and a review of the role of Aboriginal peoples in Canadian society. In addition, the government established the Royal Commission on Aboriginal Peoples (RCAP) in 1991 to propose specific solutions to the problems that have long plagued the relationship between Aboriginal people, the Canadian government and Canadian society as a whole.

In November 1996, the commission published its final report and made 440 recommendations covering a wide range of Aboriginal issues. The Commission proposed a 20-year agenda for change to develop a new relationship between Aboriginal and non-Aboriginal people based on a mutual recognition, respect, sharing and responsibility. The RCAP report is a significant body of work that has been used to inform public debate and policy making.

Inherent Right to Self-Government

As a response to increasing calls to greater First Nation autonomy and a growing recognition of an Aboriginal right to self-government, the Government of Canada launched in 1995 a new process, the Inherent Right to Self-Government Policy, to negotiate practical arrangements with First Nations to make self-government a reality. Through Self-Government agreements, new partnerships between Aboriginal people and the federal government are created implementing that right. The policy also recognized that no single form of government would work for all Aboriginal communities. Self-government arrangements would therefore take many forms based upon the particular historical, cultural, political and economic circumstances of First Nations. Since the introduction of the policy, there have been 17 Self-Government agreements, many of which are part of larger Comprehensive Claims agreements.



Residential Schools Apology

As the Department of Indian and Northern Affairs continued to transfer control of local affairs to individual First Nations following the 1951 Indian Act amendment, education, long held as a central responsibility, also began to be decentralised. With the advent of these policies in the 1970s, First Nations

developed education systems which incorporated both the fundamental elements of modern curriculum as well as aspects of their traditions, language and culture.

While First Nations took charge of their education, however, the legacy of abuse and mistreatment in the residential school system was beginning to become increasingly apparent. Many, such as the leader of the Assembly of Manitoba Chiefs, and later National Chief of the Assembly of First Nations, Phil Fontaine and the Royal Commission on Aboriginal People, called upon both the federal government and the Churches involved with residential schools, to acknowledge and address the decades of abuse and mistreatment which occurred. With mounting claims and litigation against the federal government and the churches, in 1998, Canada acknowledged its role in the abuse and mistreatment of Aboriginal people during their time in residential schools.

After nearly a decade of discussion and negotiations, the Minister of Indian and Northern Affairs announced in 2007 a landmark near \$2 billion compensation package, called the "Common Experience Package" for residential school survivors. As part of this settlement, the Indian Residential Schools Truth and Reconciliation Commission was established to act as an independent body to provide a safe and culturally appropriate place for former students and others affected by the residential school system to share their experiences. On June 11th 2008, Prime Minister Stephen Harper offered an historic formal apology to former students of residential schools and sought forgiveness for the students' suffering as well as for the impact of the schools on Aboriginal culture, heritage and language. The apology was also intended to reinforce initiatives to address the legacy of the residential schools and the ongoing implementation of the Indian Residential Schools Common Experience Package.

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