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## The Beginning

... to wean them by slow degrees, from their nomadic habits, which have almost become an instinct, and by slow degrees absorb them or settle them on the land. Meantime, they must be fairly protected.

JOHN A. MACDONALD, 1880<sup>1</sup>

### 1 Imposed the elected chief and band council system 1869<sup>2</sup> TO PRESENT DAY

The *Indian Act* election system, in which the majority of our First Nation members still operate, has severely impacted the manner in which our societies traditionally governed themselves. It has displaced or attempted to displace our inherent authority as leaders and has eroded our traditions, culture, and belief systems. It does not reflect our needs and aspirations. It has also not kept pace with principles of modern and accountable governments.

LAWRENCE PAUL, *Co-Chair, Atlantic Policy Congress of First Nations Chiefs Secretariat, 2009*<sup>3</sup>

Long before European contact, Indigenous nations had effectively and sustainably governed themselves. Each nation had its own distinctive political institution, traditions, leadership system, economy, and culture, and had autonomous control over its territories and resources within.

European-style elections for chief and council were introduced to Indigenous communities in 1869 under *An Act for the Gradual Enfranchisement of Indians, the Better Management of Indian Affairs, and to Extend the Provisions of the Act*. The imposed system was and still is similar to municipal-style government in which a leader and council members are elected, based on the terms and conditions of the government. The role of the elected chief is to administer the *Indian Act*, and in no meaningful way does this reflect their former self-government.

The dismissal of Indigenous forms of government in favour of the European-style municipal government displaced traditional political structures and did not reflect, consider, or honour Indigenous needs and values. A chief was more likely to be elected based on his ability to communicate and negotiate with government agencies as well as maintain his commitment to community, values, and traditions. The federal government also did not recognize that each Nation had its own style of governance with specialized skills, tools, authority, and capacity developed over centuries. Imposing European-style elections was designed for assimilation—to remake traditional cultures in the image of the colonizers.

The impetus behind imposing a new elective system was to replace what the federal government viewed as an

“irresponsible” system with a responsible system. This new elective system was “designed to pave the way to the establishment of simple municipal institutions.”<sup>4</sup> In other words, traditional band and tribal government were considered an impediment to the federal government’s plans for advancement.

William Spragge, Deputy Superintendent of Indian Affairs, in the 1870s is said to have observed that Indian opposition to adopting what was clearly an alien election system was not because of its cultural inappropriateness, but because “the Indian mind is in general slow to accept improvements.” He stated, “it would be premature to conclude that the bands are averse to the elective principle, because they are backward in perceiving the privileges which it confers.”<sup>5</sup> The arrogance of the federal government in assuming that existing systems were “irresponsible” blindfolded them to existing wise, inclusive, and foundational Indigenous governance systems.

Initially, it was stipulated that elections were to be held on an annual basis. Then in 1898 it was changed to every three years, and in the 1951 *Indian Act* it was changed to every two years, which is how it remains today for most bands. The Department of Indian Affairs, not the people who elected the chief, held the power to depose a chief. Only males over the age of 23 were allowed to vote and Indian women were not given the right to vote in band elections until the 1951 *Indian Act*.

Control of many elements of the reserve, including land, resources, and finance, were passed into the hands of the Department of Indian Affairs as Indigenous Peoples were considered unsophisticated and incapable of

managing their own affairs. The chiefs were granted little in the way of bylaw powers, and those limited powers were not at all reflective of their former self-governing powers, which further emasculated them and their role in leading their nation. Their role was (and is) to administer the *Indian Act*.

Here's a list of what chiefs' decision-making powers were reduced to:

- 1 The care of the public health;
- 2 The observance of order and decorum at assemblies of the Indians in general council, or on other occasions;
- 3 The repression of intemperance and profligacy;
- 4 The prevention of trespass by cattle;
- 5 The maintenance of roads, bridges, ditches and fences;
- 6 The construction and repair of school houses, council houses and other Indian public buildings;
- 7 The establishment of pounds and the appointment of pound-keepers;
- 8 The locating of the land in their reserves, and the establishment of a register of such locations.<sup>6</sup>

The two-year election cycle exacerbated the inability of chiefs and councils to make any significant progress on long-term development initiatives, govern and act in the best interests of their citizens, or build effective foundations for community development.

The potential for leadership changes every two years can make it difficult for economic development projects to progress, especially certain resource development projects that are decades in the planning phase. Political instability and economic development are not good

bedfellows. The two-year election cycle also makes it difficult for tribal groups to work together on larger initiatives because elections are all held at different times. Different chiefs, who may not be up to speed on an initiative or who may have a different vision, join the group at different times, which can impede the progress of the initiative.

Another impact of the imposed European-style elections and short term of office is the unending cycle of divisiveness that elections foster within communities. The constant manoeuvring and strategizing for power in the next election pits community members, and frequently family members, against one another. The cohesive, traditional belief that rights are collectively held tends to get lost in the quest to win an election. Not all elected chiefs share the same priorities for how resources should be distributed within the community.

As the goal of the elected band council system was to undermine traditional governance and augment assimilation, many Indigenous people refuse to vote in band elections. Additionally, many refuse to vote in federal elections, although that trend is slowly changing and Indigenous individuals are increasingly running for office in municipal, provincial, and federal elections.

## 2 Denied women status

1869 TO 1985

Provided always that any Indian woman marrying any other than an Indian, shall cease to be an Indian within the meaning of this Act, nor shall the children issue of such marriage be considered as Indians within the