

Aboriginal Peoples and Communities



I Historical Overview – Canada

- The term... “‘Aboriginal peoples’ is the collective name for the original [or indigenous] peoples of North America and their descendants. The Canadian constitution recognizes three groups of Aboriginal people: Indians [commonly referred to as First Nations], Metis and Inuit. These are three distinct peoples with unique histories, languages, cultural practices and spiritual beliefs. More than one million people in Canada identify themselves as an Aboriginal person, according to the 2006 Census” (Source: <http://www.aadnc-aandc.gc.ca/eng/1100100013785/1304467449155>)
- Prior to contact with Europeans and the subsequent arrival of settlers, aboriginal communities established themselves as groupings of human settlement on the basis of hereditary and other familial linkages that evolved over time immemorial into tribal entities with traditional occupancy over certain geographic areas
- In recent decades, the racial term “Indian” has been supplanted by the less offensive term “First Nation”. Although no basis in law exist for employing “First Nation”, its application is widespread and in common usage. However, both terms are inter-changeable.
- The majority of Indians in Canada reside in aboriginal communities located in rural or remote settings within or close to their traditional territories but a significant number have chosen to live in non-aboriginal urban centers. Although many aboriginal communities share similarities, each community has unique defining characteristics. There are over 630 First Nations in Canada of which 203 or almost one-third are found in British Columbia.
- With reference to the two groups of Aboriginal peoples:
 - i. the Metis are those individuals of mixed European and First Nation ancestry who enjoy a rich heritage based on intertwined First Nation and European cultural traditions
 - ii. the Inuit have sustained themselves in the Arctic for thousands of years and continue to reside, generally speaking, in remote or isolated communities located north of the 60th parallel
- It was indicated in the 2011 Canadian Census that there were 12 indigenous language families which comprise more than 60 aboriginal languages. Over 30 different aboriginal languages were originally found in British Columbia, and these languages belong to Salish, Tsimshian, Wakashan, Kutenai and Haida family.
(Source: http://www12.statcan.gc.ca/census-recensement/2011/as-sa/98-314-x/98-314-x2011003_3-eng.cfm)
- Federal government legislation protects defined rights and benefits of the Aboriginal peoples in Canada – such rights and benefits are accompanied by

contractual obligations on the part of the Federal Crown. The Department of the Federal Government known as Aboriginal Affairs and Northern Development Canada [refer to website: <http://www.aadnc-aandc.gc.ca/eng/1100100010002/1100100010021>] is mandated with the responsibility for complying with many of the contractual obligations

- The Indian Act [first enacted in 1876 and amended over the years] is the primary Federal law that governs the relationship of the Government of Canada with First Nation peoples. Some of the jurisdictional aspects of the Indian Act include the following:
 - i. Concept of Indian registration
 - ii. Creation of Indian reserve lands
 - iii. Evolution of exemptions
- Under the Indian Act, the name of a First Nation individual must be entered in the Federal Indian Registry. If a First Nation person is not registered, then that individual is not recognized as an Indian by the Federal Government. However, those who are registered are recognized as having Registered Indian Status. Such legal recognition is essential in order to access the defined rights and benefits available under Canadian law.
- Upon implementation of the Indian Act, all aboriginal lands were “set aside” as reserve lands to prevent trespass by European settlers and others. The Federal Government acquired full administrative oversight for the prosperity and well-being of First Nation peoples. All reserve lands were communal and private ownership by First Nation individuals was not allowed. First Nation families are compelled to live on reservations even though the government-built housing was not always adequate. Low standards of living and extreme aspects of dysfunctionality became common-place. The restrictions of the Indian Act remains in force today and reserve lands are still managed by the Government of Canada on behalf of First Nations
- Section 87 of the Indian Act provides for exemption from taxation [Federal or provincial] to those status Indians living on-reserve and whose employment income is earned on-reserve. This exemption is available only to status Indian individuals and Indian bands/First Nations but not to the Metis or Inuit, nor to corporations and trusts.
- In recent years, the Canadian taxation authorities have relied on case law as well as the so-called Connecting Factor approach when auditing tax-exempt transactions. The emerging practice of these taxation authorities has seen the legal testing of Section 87 applicability where dictated by opportunity or circumstance.

II Background – British Columbia

- The Government of British Columbia has stated: “British Columbia has one of the most diverse populations of Aboriginal people in all of North America. The province is home to ... more than in any other province or territory. Before Europeans settled British Columbia in the 1850s, Aboriginal communities thrived throughout the province. The diversity of the lands and resources in the Pacific Northwest region supported the development of many unique Aboriginal cultures with distinct languages and traditions. ... In 1871, when it joined Confederation, British Columbia was the only province in which Aboriginal people were the majority. By 1911, they represented only 5.5% of the provincial population. Today there are approximately 170,000 Aboriginal people in British Columbia, representing just over four percent of the population” (Source: www.treaties.gov.bc.ca/background_people.html)
- The provincial ministry known as the Ministry of Aboriginal Relations and Reconciliation or MARR [refer website at www.gov.bc.ca/arr] is mandated with managing a new relationship between the province and the 203 First Nations represented in British Columbia – a relationship based on respect, recognition and accommodation of aboriginal title and rights.
- According to a position statement by the provincial government: “The Province of British Columbia is building relationships with Aboriginal people and communities. Working with First Nations and Aboriginal community leaders, ...collective efforts [are underway towards] closing the socio-economic gaps that separate Aboriginal people from other British Columbians, and building a province where everyone can fully participate in a prosperous economy.” (Source: www.gov.bc.ca/arr)
- Estimates are that 60% of the indigenous languages in Canada are spoken in British Columbia [Source: <http://maps.fphlcc.ca>]

III Overview – Vancouver Island

- Vancouver Island "is the largest Pacific island east of New Zealand. Originally called Quadra and Vancouver Island after Spanish navigator Juan de la Bodega y Quadra and British navy officer George Vancouver, the island was first explored by British and Spanish expeditions in the late 18th century. ...The island is 460 kilometres (290 mi) in length, 80 kilometres (50 mi) in width at its widest point, and 32,134 km² (12,407 sq mi) in area. It is the largest island on the western side of North America, the world's 43rd largest island, Canada's 11th largest island, and Canada's second most populous island after the Island of Montreal. The Canada 2011 Census population is 759,366. Nearly half of these (344,630) live in Greater Victoria. Other notable cities and towns on Vancouver Island include Nanaimo, Port Alberni, Parksville, Courtenay, and Campbell River." (Source: http://en.wikipedia.org/wiki/Vancouver_Island)

- The population of Vancouver Island inhabit places that range from urban centers (large and small) to small rural communities to smaller remote settlements
- The climate is mild and generally described as Mediterranean. In terms of topography, a sizeable portion of Vancouver Island features rain-forest watersheds and rugged terrain. The west coast of Vancouver Island hold several notable distinctions:
 - i. The wettest spot in Canada - Henderson Lake (found within the Uchucklesaht traditional territory) holds the record for the greatest precipitation in one year set in 1997 at 9,479 mm (373.2 in).
(Source from: [http://en.wikipedia.org/wiki/Henderson_Lake_\(British_Columbia\)](http://en.wikipedia.org/wiki/Henderson_Lake_(British_Columbia)))
 - ii. The greatest annual precipitation in Canada - Henderson Lake with the record at 6,655 mm (262 in).
(Source from: http://www.naturecanada.ca/water_facts.html)
- However, precipitation records indicate other parts of Vancouver Island have substantially less rainfall. The City of Nanaimo (centrally located along the east coast of Vancouver Island) averages about 45 inches of rain each year. In comparison, the City of Victoria (located in the southern region of Vancouver Island) has annual precipitation of about 24 inches and has been rated as one of the driest cities in Canada.
(<http://www.currentresults.com/Weather/Canada/British-Columbia/precipitation-annual-average.php>)

IV Aboriginal People of Vancouver Island

- The 2011 Canadian Census showed that 16.6% of the Aboriginal people lived in BC (Source from Statistics Canada). In 2006, there were 43,620 (about 6%) Aboriginal identities inhabit Vancouver Island, and the majority of them were First Nation in Vancouver Island (Source from BCStats).
- First Peoples speak different languages; in Vancouver Island, they speak Kwakw'ala, Nuuchanulth, Ditidaht and Halq'eméylem, etc. (Source from First Peoples' Heritage, Language and Culture Council).
- Currently, there are over 50 First Nations treaty groups and tribal councils on Vancouver Island. The number of aboriginal people account for over 22% of the provincial First Nations and about 4% of the national total (Source from: BCStats).