

**BACKGROUND****7. *The Indian Act***

The principal tool of colonialism in Canada was the Indian Act. It is a law that evolved over time and set out the federal government's powers over many aspects of the lives of First Nations. This includes lands and resources, education, governance and personal property.

Under the terms of Confederation, First Nations were considered to be wards of the federal government. Canada acted in a parental role. The Indian Act describes the powers and responsibilities of Canada to regulate and support First Nations communities.

The Indian Act, when it was first passed in 1876, was supposed to be temporary. Many believed that First Nations would simply become assimilated into mainstream society.

One of the methods for assimilating Indigenous people was to turn them into farmers. A number of provisions were put in the Indian Act to help the transition to an agricultural life style. These included making loans to purchase livestock or machinery, and operating government-run farms on Reserves to teach the people about farming methods.

The Act also said that if a Band did not farm their reserve land, the government could hire outsiders to come in and farm it. Profits made from farming on reserve land, either by the community or outsiders, went directly to the Minister of Finance in Ottawa.

Under the Act, the community itself had almost no control of money made from the sale of resources such as cattle, hay or timber from their reserves. The money went to Ottawa. Further, if people did grow or harvest products

to sell, they had to get a permit from the Indian Agent before they could take it to market.

Some BC First Nations did participate in farming, particularly in cattle ranching. However, for many First Nations, farming was not even an option. Territories on the rocky coast, the Interior mountains and the boreal forests of the north have little arable land. And in more fertile regions of the province, the reserves were often placed on the least desirable land.

Despite these and many other discriminatory laws, as well as enticements to “give up” their Indian Status, First Nations survived. The tenacious strength of First Nations people to hold on to their cultures and identity has meant that the Indian Act did not work to assimilate them. Ironically, until recently it has been one of the few documents that acknowledges the unique relationship between First Nations and the rest of Canada.

The Indian Act has been amended many times over the years. At first, it became more and more restrictive. Important cultural ceremonies like the potlatch were banned. The Indian Residential School system was devised. It became illegal for First Nations to hire lawyers to pursue their land claims.

Following World War 2, many restrictive elements of the Indian Act were removed, but many discriminatory policies remain. The last major revisions were made in 1985.

Today the significance of the Indian Act is slowly eroding as other federal and provincial laws are put in place, as First Nations resume the exercise of their inherent right of self-determination.