

BACKGROUND**9. Citizenship**

Who is a citizen of a Nation? A key component of a governance system is determining who belongs to the community.

Before contact, First Nations communities were autonomous and always decided their own citizenship. However, the Indian Act imposed new definitions of citizenship.

Under the Indian Act, citizenship is defined in terms of membership in a Band. People who fit the criteria for belonging are termed Status Indians.

This is how the first Indian Act, 1876, defined membership in a Band:

The term “Indian” means:

First. Any male person of Indian blood reputed to belong to a particular band;

Secondly. Any child of such person;

Thirdly. Any woman who is or was lawfully married to such person.

The patriarchal policies of the Department of Indian Affairs created an artificial body of citizens. Status centred on the men of the community. If a man married a non-Indigenous woman, she gained status. However, if a woman married a non-Indigenous man, she *and* her children lost their status.

Status Indians were considered to be wards of the government, and they had few rights held by other Canadian citizens. They could not vote and they could not own property.

To achieve its goal of assimilation, the Canadian government, through the Indian Act, tried to convince First Nations to give up their Indian Status. A man could choose to become a full Canadian citizen (and gain the rights of a citi-

zens, such as the right to vote in federal elections), but would lose his status. His wife and children would also lose their status. This was called Enfranchisement.

Few First Nations chose Enfranchisement. This shows you how important it was for people to hold on to their Indigenous identity, even under the Indian Act.

However, some First Nations became Enfranchised whether they wanted to or not. A person with Indian Status who went to university involuntarily lost their status. Also, First Nations people who joined the military to serve in World Wars 1 and 2 lost their status.

Until 1985, the determination of Band membership was made only by the federal government. Today, however, a Band can take back control of its own membership. (However, determination of Status is still held by the Crown.) Control of membership can be done in two ways:

One is for Bands under the Indian Act to develop a membership code that the majority of Band members approve. The other is for First Nations who negotiate a form of self-government. Their treaty or agreement will include responsibilities for citizenship.

Bill C-31, which enabled Band control of membership, also amended the Indian Act to restore Indian status to women and children who had lost status due to marriage.

This Bill enabled many people to regain legal recognition of their First Nations heritage. However, the processes involved in applying to regain status have proved difficult for some people.