

# information

## Definitions

March 2000

The following definitions are intended to provide a general understanding of the responsibilities of the Department of Indian Affairs and Northern Development (DIAND). The list focuses on some of the important aspects of the relationship between DIAND and the people it serves — First Nations, Inuit and northerners.

**Aboriginal peoples:** The descendants of the original inhabitants of North America. The Canadian Constitution recognizes three groups of Aboriginal people — Indians, Métis people and Inuit. These are three separate peoples with unique heritages, languages, cultural practices and spiritual beliefs.

**Aboriginal rights:** Rights that some Aboriginal peoples of Canada hold as a result of their ancestors' longstanding use and occupancy of the land. The rights of certain Aboriginal peoples to hunt, trap and fish on ancestral lands are examples of Aboriginal rights. Aboriginal rights will vary from group to group depending on the customs, practices and traditions that have formed part of their distinctive cultures.

**Aboriginal self-government:** Governments designed, established and administered by Aboriginal peoples.

**Aboriginal title:** A legal term that recognizes Aboriginal interest in the land. It is based on their longstanding use and occupancy of the land as descendants of the original inhabitants of Canada.

**Band:** A group of First Nation people for whom lands have been set apart and money is held by the Crown. Each band has its own governing band council, usually consisting of one or more chiefs and several councillors. Community members choose the chief and councillors by election, or sometimes through traditional custom. The members of a band generally share common values, traditions and practices rooted in their ancestral heritage. Today, many bands prefer to be known as First Nations.

**Bill C-31:** The pre-legislation name of the 1985 *Act to Amend the Indian Act*. This act eliminated certain discriminatory provisions of the *Indian Act*, including the section that resulted in Indian women losing their Indian status when they married non-Indian men. Bill C-31 enabled people affected by the discriminatory provisions of the old *Indian Act* to apply to have their Indian status restored.

**Custom:** A traditional Aboriginal practice. For example, First Nations peoples sometimes marry or adopt children according to custom, rather than under Canadian family law. Band councils chosen "by custom" are elected or selected by traditional means, rather than by the election rules contained in the *Indian Act*.

**First Nation:** A term that came into common usage in the 1970s to replace the word "Indian," which many people found offensive. Although the term First Nation is widely used, no legal definition of it exists. Among its uses, the term "First Nations peoples" refers to the Indian people in Canada, both Status and Non-Status. Many Indian people have also adopted the term "First Nation" to replace the word "band" in the name of their community.

**Indian:** A term that describes all the Aboriginal people in Canada who are not Inuit or Métis. Indian peoples are one of three groups of people recognized as Aboriginal in the *Constitution Act, 1982*. The act specifies that Aboriginal people in Canada consist of Indians, Inuit and Métis people. In addition, there are three legal definitions that apply to Indians in Canada: Status Indians, Non-Status Indians and Treaty Indians.



**Indian Act:** This is the Canadian federal legislation, first passed in 1876, that sets out certain federal government obligations, and regulates the management of Indian reserve lands. The act has been amended several times, most recently in 1985. Among its many provisions, the act requires the Minister of Indian Affairs and Northern Development to manage certain moneys belonging to First Nations and Indian lands, and to approve or disallow First Nations by-laws.

**Indian status:** An individual's legal status as an Indian, as defined by the *Indian Act*.

**Innu:** Naskapi and Montagnais First Nations (Indian) peoples who live in Northern Quebec and Labrador.

**Inuvialuit:** Inuit who live in the Western Arctic.

**Inuit:** An Aboriginal people in northern Canada, who live above the tree line in Nunavut, the Northwest Territories, Northern Quebec and Labrador. The word means "people" in the Inuit language — Inuktitut. The singular of Inuit is Inuk.

**Land claims:** In 1973, the federal government recognized two broad classes of claims — comprehensive and specific. **Comprehensive claims** are based on the recognition that there are continuing Aboriginal rights to lands and natural resources. These kinds of claims come up in those parts of Canada where Aboriginal title has not previously been dealt with by treaty and other legal means. The claims are called "comprehensive"

because of their wide scope. They include such things as land title, fishing and trapping rights and financial compensation. **Specific claims** deal with specific grievances that First Nations may have regarding the fulfilment of treaties. Specific claims also cover grievances relating to the administration of First Nations lands and assets under the *Indian Act*.

**Métis:** People of mixed First Nation and European ancestry who identify themselves as Métis people, as distinct from First Nations people, Inuit or non-Aboriginal people. The Métis have a unique culture that draws on their diverse ancestral origins, such as Scottish, French, Ojibway and Cree.

**Non-Status Indian:** An Indian person who is not registered as an Indian under the *Indian Act*. This may be because his or her ancestors were never registered, or because he or she lost Indian status under former provisions of the *Indian Act*.

**The North:** Land in Canada located north of the 60th parallel. DIAND's responsibilities for land and resources in the Canadian North relate only to Nunavut, the Northwest Territories and the Yukon.

**Nunavut:** The territory created in the Canadian North on April 1, 1999 when the former Northwest Territories was divided in two. Nunavut means "our land" in Inuktitut. Inuit, whose ancestors inhabited these lands for thousands of years, make up 85 percent of the population of Nunavut. The territory has its own public government.

**Off-reserve:** A term used to describe people, services or objects that are not part of a reserve, but relate to First Nations.

**Oral history:** Evidence taken from the spoken words of people who have knowledge of past events and traditions. This oral history is often recorded on tape and then put in writing. It is used in history books and to document claims.

**Reserve:** Land set aside by the federal government for the use and occupancy of an Indian group or band.

**Status Indian:** An Indian person who is registered under the *Indian Act*. The act sets out the requirements for determining who is a Status Indian.

**Surrender:** A formal agreement by which a First Nation consents to give up part or all of its rights on a reserve. Reserve lands can be surrendered for sale or for lease, on certain conditions.

**Treaty Indian:** A Status Indian who belongs to a First Nation that signed a treaty with the Crown.

**Tribal Council:** A regional group of First Nations members that delivers common services to a group of First Nations.

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