

Indigenous Rights



History 30
April 15th, 2021

White Paper of 1969

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Key Players

Minister of Indian Affairs Jean
Chrétien



Prime Minister Pierre
Trudeau



Activist Harold Cardinal



What Was It

- The White Paper of 1969 was directly tied to Indigenous Rights in Canada.
 - The policy proposed to repeal the Indian Act,
 - End Indian Status and Treaties
 - Eliminate Indigenous reserve land, and
 - Transfer all responsibilities for Aboriginal peoples to the provinces.
- In a sense it called to **Assimilate** Indigenous people into Canadian Society.

Response to the White Paper

- The White Paper was not welcomed by Indigenous peoples in Canada,
- This led to groups protesting against the proposed Plan,
- It was essentially stripping Indigenous people of their identities,
- The White Paper was promptly dropped.

In spite of all government attempts to convince Indians to accept the white paper, their efforts will fail, because Indians understand that the path outlined by the Department of Indian Affairs through its mouthpiece, the Honourable Mr. Chrétien, leads directly to cultural genocide. We will not walk this path.

—Harold Cardinal, *The Unjust Society*

What Came out of the White Paper

- In a way the white paper aided in strengthening Indiengous organizations and unions to push for their rights as First Nations People!
- In 1969, Indian Agents were removed from reserves.

Section 35

Section 35

- 35(1) The existing **Aboriginal and Treaty Rights** of Aboriginal people in Canada are hereby **recognized and affirmed**
- 35 (2) In this Act, Aboriginal Peoples in Canada includes the **Indian** , **Inuit** and **Métis** Peoples in Canada.
- 35 (3) For greater certainty, in subsection (1), “treaty rights” include rights that now exist by way of land claims agreements or may be so acquired.
- 35 (4) Notwithstanding any other provision of this act, the Aboriginal and Treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

Additional Points

- Section 35 is a **recognition of Indigenous rights** NOT a creation of Aboriginal rights,
- The original plan was not to include such an extensive amount of Aboriginal Rights in Constitution,
- Indigenous People in Canada lobbied hard to have section 35 created,

Consider this clarified in the case of *R. V. Sparrow*: Section 35(1) applies to rights in existence when the *Constitution Act, 1982* came into effect; **it does not revive extinguished rights** . An existing aboriginal right cannot be read so as to incorporate the specific manner in which it was regulated before 1982. The phrase “existing aboriginal rights” must be interpreted flexibly so as to permit their evolution over time. (*R. v Sparrow*, 1990).

Bill C-31

Bill C-31 overview

- 1985 marked the passing of Bill C-31,
- This Bill changed discriminatory areas of the Indian Act that had been in effect for over a century,
- The following were amended by Bill C-31:
 - Separation of Band membership from Status,
 - Status, and,
 - Creation of new classes related to registration.
- Loss or gain of status was left to the federal government.

The effect on Indigenous Women

- Bill C-31 addressed discrimination caused by the Indian Act,
- Section 15 was looked to when moving towards amendments.
- Under the Indian Act, women who married a non status man or a non Aboriginal man, would lose status.
- Women who had their status removed through this act regained status as Indigenous peoples.
- It terminated status gained marrying a status male.
- 127,000 people regained status while 106,000 lost their status.



WOMEN
AND HISTORY

Section 6 “Persons Entitled to be Registered”

Section 6 introduced two classes:

- 6(1) – those who can pass Indian status to their children;
- 6(2) – those who have Indian status, but cannot pass their status to their children unless the other parent is also has status.

**How might 6 (1) and 6(2)
affect Indigenous Peoples?**

Reflection Piece

- What does the term “We are all Treaty People mean to you?”
- In society, are we moving towards a place of “We are all Treaty People?”

Next Class

- We will be viewing *Kanehsatake: 270 Years of Resistance*

