

## Aboriginal Definitions and Terms

**Aboriginal People** are all indigenous people of Canada, including Status Indians, Non-Status Indian, Métis and Inuit people.

### **Aboriginal Rights:**

- refer to practices, traditions or customs which are integral to the distinctive culture of an Aboriginal society and were practiced prior to European contact, meaning they were rooted in the pre-contact society;
- must be practiced for a substantial period of time to have formed an integral part of the particular Aboriginal society's culture;
- must be an activity that is a central, defining feature which is independently significant to the Aboriginal society;
- must be distinctive, meaning it must be distinguishing and characteristic of that culture;
- must be given a priority after conservation measures;
- must meet a continuity requirement, meaning that the Aboriginal society must demonstrate that the connection with land in its customs and laws has continued to the present day;
- may be the exercise in a modern form of an activity that existed prior to European contact;
- do not include an activity that solely exists because of the influence of European contact; and
- do not include aspects of Aboriginal society that are true of every society such as eating to survive.

**Band** means a body of Indians

- a) for whose use and benefit in common, lands, the legal title to which is vested in Her Majesty, have been set apart before, on or after September 4, 1951,

- b) for whose use and benefit in common, moneys are held by Her Majesty, or
- c) declared by the Governor in Council to be a band for the purposes of this Act (meaning the *Indian Act*)

**Band Chief** is someone who is elected by band members to govern for a specified term.

**Capacity-building** is the development of human, technical, and financial resources in First Nations communities.

**Douglas Treaties** are the fourteen treaties struck between 1850 and 1854 between the British Crown, represented by Sir James Douglas, and some Vancouver Island First Nations.

**Fiduciary Duty** is the legal obligation of one party to act in the best interests of another.

**First Nation** has no generally agreed on definition. This can refer to a single individual; single band; many Bands; an Aboriginal governing body, organized and established by an Aboriginal community; or the Aboriginal community itself.

**First Nations Summit** is an umbrella organization of some British Columbia First Nations and Tribal Councils. The First Nations Summit is one of the parties to the British Columbia Treaty Commission.

**Hereditary Chief** is a leader, given the power to lead by cultural protocol.

**Indian** as defined in the *Indian Act*, means a person who, pursuant to this Act is registered as an Indian or is entitled to be registered as an Indian.

**Interim Measures** are any activity undertaken by the Province in the interim before treaties are concluded, that is relate to the management or use of land or resources, and aimed at meeting British Columbia's legal obligations while balancing the rights and interests of aboriginal and non-aboriginal British Columbians.

**Métis** are Aboriginal People of mixed ancestry who define themselves as Métis, can show ancestral connection, and are accepted as Métis by the Métis Nation.

**Non-Status Indian** is an individual who has lost status and is not registered pursuant to Canada's Indian Act.

**Provincial Regional Caucus** as part of the British Columbia Treaty process, are members who are employees of provincial government ministries (interest groups routinely make their concerns known to provincial ministries.)

**Regional Advisory Committee (R.A.C.)** as part of the British Columbia Treaty process, are members representing community, industry, business, labour, environment, tourism, recreation, etc. interests at the regional/local level. These committees advise the provincial and federal negotiating teams.

**Reserve** as defined by the *Indian Act*,

- a) means a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band, and
- b) except in subsection 18(2), sections 20 to 25, 28, 36 to 38, 42, 44, 46, 48 to 51, 58 to 60 and the regulations made under any of those provisions, includes designated lands.

*A result of the definition of reserve land in the Indian Act is that reserve land cannot be privately owned by the band or band members.*

**Status Indian** means a person defined as an Indian under the *Indian Act*.

**Traditional Territory** is the geographic area identified by a First Nation to be the area of land which they and/or their ancestors traditionally occupied or used.

**Treaty** is an agreement between government and a First Nation that defines the rights of Aboriginal Peoples with respect to lands and resources over a specified area, and may also define the self-government authority of a First Nation.

**Tribal Councils** are not defined under the *Indian Act*. Tribal Councils are mainly political organizations but some also administer community programs and services.

Some Bands choose to affiliate with Tribal Councils while others do not. Each Tribal Council decides its own political priorities and these priorities vary from area to area and from time to time. Each First Nation determines its own political priorities and organizational structures to address them.

Source: Joseph, Bob (2005). *Indigenous Corporate Training: Working Effectively with Aboriginal People*. Copyright: 2005 Indigenous Corporate Training.