



Unit 2 Lesson 3.2: Indigenous Governance in Canada

Lesson Overview

2 x 75-minute periods

In this lesson, students will learn about the rights of Indigenous people entrenched in the Constitution and they will work in groups to research a First Nation, Métis or Inuit governance system*, and then teach their peers about this system.

*If and when possible, reach out to local Indigenous leaders in or near your community. There is no one Indigenous governance system, so increasing your students' capacity for local Indigenous knowledge will facilitate the common good.

Connections to Inquiry Process (at least one)

- ★ Gather and Organize
- ★ Interpret and Analyze
- ★ Evaluate and Draw Conclusions
- ★ Communicate

Connections to Political Thinking Concept(s)

- Political perspective

Curriculum Expectations

A1.5: communicate their ideas, arguments, and conclusions using terminology, formats, and styles appropriate for specific audiences and purposes, and use accepted forms of documentation to acknowledge different types of sources

A1.6: evaluate and synthesize their findings to formulate conclusions and/or make informed judgements or predictions about the issues, events, and/or developments they are investigating

B2. Canadian and Indigenous Governance Systems: explain, with reference to a range of issues of civic importance, the roles and responsibilities of various institutions, structures, and positions in Canadian and Indigenous governance systems, treaty relationships, and other Crown-Indigenous relations

Learning Goals

- We are learning about how Indigenous peoples govern themselves and the impact it has on their relationship with the nation of Canada.

Readiness

- Students will have covered rights and responsibilities in grade 5 social studies (B3. demonstrate an understanding of the roles and key responsibilities of citizens and of the different levels of government in Canada).
- Students will have knowledge of treaties between Indigenous nations and various colonial governments from Unit 1
- Students will have learned about the levels of government and their rights and responsibilities in Unit 2.

Materials

- Computer
- Projector
- Speakers
- Markers or pencil crayons
- Highlighters
- Chart paper or 11x17 paper

Terminology

- First Nations
- Haudenosaunee
- Anishinaabe
- Métis
- Inuit

Resources

Henderson, William B.. "[Indigenous Self-Government in Canada.](#)" *The Canadian Encyclopedia*. Historica Canada. Article published February 07, 2006; Last Edited December 04, 2020.



<ul style="list-style-type: none"> ● Self-governance ● Self-determination ● Hereditary ● Constitution 	<p>Indigenous Pedagogies</p> <p>Indigenous story-telling</p>
<p>Minds On</p> <ul style="list-style-type: none"> ● Establishing a positive learning environment ● Connecting to prior learning and/or experiences ● Setting the context for learning 	<p>Connections</p>
<p>Minds On - (15 minutes)</p> <p>Teacher Note: Students need a working knowledge of the levels and branches of government in Canada, including the names of relevant officials (e.g. Premier, PM, Mayor) from previous lessons.</p> <ol style="list-style-type: none"> To get students thinking about how the governance system works in Canada and to be ready to compare it to Indigenous governance, have students complete a mind-map of how Canadian Settlers govern themselves. A template has been provided that uses Google Draw. <ol style="list-style-type: none"> Here is an example for reference. Introduce two new terms: “self-government” and “self-determination”. <ol style="list-style-type: none"> Ask students “Who is in charge of you?” (Answer may include parents/guardians, teachers etc) Prompt students to discuss: “What decisions do you get to make for yourself? How much control do you have over your life right now?” (answers may include friendships, hobbies, bedtimes) Introduce the concept of self-governance with this handout and question prompts on Indigenous Rights and the Canadian Constitution. Go through each source and have students work in pairs or small groups to answer the questions. Distribute the handout, “What is Indigenous Self Government?”, to each student. Give students time to research definitions for self-government and self-determination on their devices/laptops. Students will write the definitions onto the sheet and then draw an image to symbolize it, and write a sentence using the new word. Review student definitions as a class and come to a consensus on what the two terms mean. <p>Teacher Note: The teacher should circulate and monitor student work to check for understanding.</p>	<p>Assessment:</p> <p>Assessment for learning</p> <ul style="list-style-type: none"> ● Monitor/observe recall of material from previous lessons <p>Differentiated Instruction:</p> <ul style="list-style-type: none"> ● For ELL students the teacher may need to provide extra vocabulary or background cultural information/ ● Some students may need the definitions provided to them and they can work on the image and sentence construction only.
<p>Action</p> <ul style="list-style-type: none"> ● Introducing new learning or extending/reinforcing prior learning ● Providing opportunities for practice and application of learning (guided > independent) 	<p>Connections</p>



Individuals (15 minutes)

1. Introduce the concept of Indigenous governance
 - a. Moving on to Part B on the handout, students will read the article from the Canadian Encyclopedia, "[Indigenous Self Government in Canada](#)", and answer the 5 corresponding questions on their handout.

Teacher Note: Depending on the reading levels in the class, the teacher may read the article to the class, stopping at intervals to allow students to answer the questions. Or, students could read aloud to each other in small groups or pairs discussing potential answers as they read together.

2. Project or distribute the [Indigenous Governance symbols page](#). Do not tell the students what the symbols mean or represent.

Teacher Note: Consider using the [Visual Thinking Strategy](#) to activate their thinking.

3. Use the following prompts as a whole class:
 - a. What is similar about these images? (possible answers: repeated use of a circle, animals or nature are present)
 - b. What do you see that makes you say that?(have students indicate different details)
 - c. Where are the differences? (possible answers: different colours and different stylistic effects)
 - d. What do you see that makes you say that?
 - e. How do you think these symbols link to our lesson today?

4. Reveal the [ANSWER key](#) which indicates the symbols for the governance systems of five different Indigenous groups in Canada.

Group Jigsaw Activity Part 1 (30 minutes)

1. Students will explore different Indigenous governance structures in a Jigsaw Activity.

Teacher Note: Facing History has a great explanation around the [Jigsaw Teaching Strategy](#) rationale.

2. Break the class into 5 expert groups. One for each of the Indigenous groups listed on the student page. Distribute a copy of the handout [Indigenous Governance Jigsaw Learning Activity](#) to each student. Every student in the expert group must be prepared to share their learning with their teaching group.
3. Expert groups use the sources provided to learn about their assigned Indigenous governance system. They may complete this for homework if needed.

Teacher Note: The following links provided to students in the handout:

Métis	History: Metis Nation (Metis Nation Saskatchewan) Governance (Metis Nation of Ontario)
Anishinaabe	Traditional Governance (ANISHINAABE GOVERNANCE)
Haudenosaunee:	Government (Haudenosaunee Confederacy) Ontario Hubs: Indigenous Governance (The Agenda)
Inuit:	Who We Are (Inuit Tapiriit Kanatami)

Assessment:

Assessment for learning

- Support / Recognize appropriate question responses
- Note pages can be checked for completion

Differentiated Instruction:

- For ELL students the teacher may need to provide extra vocabulary or background cultural information

Quick Tips:



	<p>Message from our President (Inuit Nunangat Taimannganit) No Political parties: How Nunavut's consensus government works (CBC News) About Nunatsiavut Government (Nunatsiavut)</p>	
West-Coast	<p>Governance structure of Wet'suwet'en Nation (Unist'ot'en Nation) Hereditary Chiefs versus Elected Chiefs (Indigenous Corporate Training Inc.)</p>	
<p>Group Jigsaw Activity Part 2 (30 minutes)</p> <ol style="list-style-type: none"> 1. Students begin in their expert groups from the previous day to review their findings and ensure that all members are prepared to teach about their topic. 2. Assign students in the expert groups a number between 1 and 5. 3. Students then break into five teaching groups so that there is at least one person from each expert group in each teaching group. 4. "Experts" take turns sharing their findings, and all students in the teaching group complete their graphic organizers. 		
<p>Consolidation</p> <ul style="list-style-type: none"> ● Providing opportunities for consolidation and reflection ● Helping students demonstrate what they have learned 		<p>Connections</p>
<p>Whole Class Discussion (10 minutes) Invite teaching groups to share a response to ONE of the following prompts</p> <ul style="list-style-type: none"> ● Something surprising ● Something concerning ● Something hopeful ● Something we're wondering now <p>Individual reflection (10 minutes) Invite students to complete an exit card or journal reflection using at least two of the prompts from the discussion.</p>		<p>Assessment: Assessment for learning</p> <ul style="list-style-type: none"> ● Teachers can deliver feedback to students as they walk through and monitor students. <p>Assessment as Learning</p> <ul style="list-style-type: none"> ● Students will also be self-monitoring when they compare their "answers" to those provided by peers. ● Consider co-creating criteria for a successful presentation piece and use that to create a checklist. Students can peer assess the presentation products. <p>Differentiated Instruction:</p> <ul style="list-style-type: none"> ● For ELL students the teacher may need to provide extra vocabulary

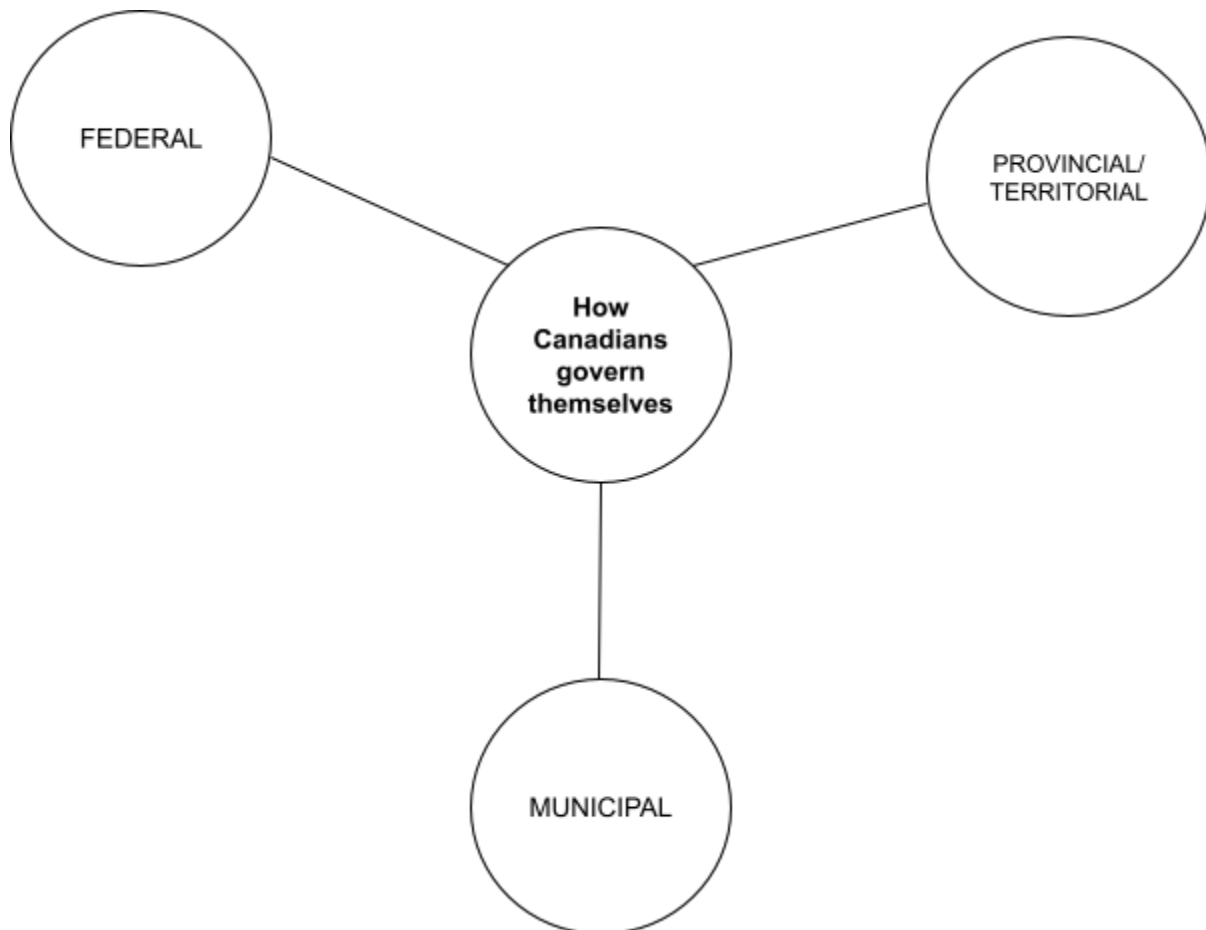


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	or background cultural information <ul style="list-style-type: none">• Variety of grouping
Additional Resources: Anishinaabe Pictograph: The Pictograph & the Ngo Dwe Waangizid Anishinaabe	

LESSON 3.2
STUDENT HANDOUT

INSTRUCTIONS: Using your knowledge of the levels and branches of government in Canada, create a mind map showing how Canadians govern themselves. Include information about the different government officials, laws, rights and responsibilities laws/regulations, etc. Double click on the image below to open it in Google Draw and make your edits.



Indigenous Rights and the Canadian Constitution

Part 1: The OBJECTIVE

As you watch the video from Elections and Democracy (2:07) “Aboriginal and Treaty Rights in Canada’s Constitution” (<https://youtu.be/ZLuDiVYPP2E>), respond to the questions and prompts below:

- a) What is the ‘highest law in the country’?
- b) Until 1982, if Canada wanted to change the constitution, what was it required to do? Why?
- c) How did Indigenous groups in Canada ‘take action’ to ensure their rights were recognized in the new constitution?
- d) What idea did George Manuel from BC present in order to have Indigenous voices heard at Parliament? What name did he give it?
- e) By the time the train convoy arrived in Ottawa, the whole country was listening. What role did the media play in this?
- f) Did the Canadian public support or disapprove of the Constitution Express?



Photo of Chief George Manuel, courtesy of Doreen Manuel, Constitution Express¹

- g) Overall, what was the OBJECTIVE of the Constitution Express? Using evidence from the video and the image above, explain what the OBJECTIVE of Indigenous groups was during the patriation of the Constitution.

¹ Joanne Arnott. “The Road Forward” WEDNESDAY, 14 JANUARY 2015, <https://joannearnott.blogspot.com/2015/01/the-road-forward-push.html>

Part 2: The RESULT

Now, examine the [Infographic: Section 35 of the New Canadian Constitution Act, 1982](#).

- a) Overall, what was the RESULT of the Constitution Express?
- b) What are the positive impacts of section 35?
- c) What are the problems created by section 35 for Indigenous people?

Part 3: The right to self-government is INHERENT

According to the BC Treaty Commission, “First Nations were self-governing long before Europeans arrived in Canada. Indigenous nations lived as distinct and self-sufficient nations deeply connected to their homelands, with respective languages, economies, and systems of laws and governance.

In 1876, the *Indian Act* dismantled traditional governance systems and imposed strict regulations on Indigenous peoples' lives. [Section 35](#) of the *Constitution Act, 1982*, recognizes that Indigenous peoples have an inherent, constitutionally-protected right to self-government – a right to manage their own affairs.”

- a) Did the Constitution Act give Indigenous people rights or did it merely recognize them?
- b) What do you think the word ‘inherent’ means?

Minds on: What is Indigenous Self-Government?

PART A

Students will define the following words and then create an image or sentence using the new word.

Word	Definition	Image	Sentence
Self Government			
Self Determination			

PART B

Students will read the article from the Canadian Encyclopedia “Indigenous Self Government in Canada” and answer the following questions.

1. In your own words, what is Indigenous Self Government?

2. How did the *Indian Act* of 1876 impact traditional Indigenous governance? (list at least three points)

3. Which document affirmed Indigenous rights to self-government?

4. In your opinion, does section 35 of the Constitution Act adequately protect Indigenous rights?

5. How have land claims helped Indigenous self-government?

Indigenous Self-Government in Canada

Indigenous self-government is the formal structure through which [Indigenous](#) communities may control the administration of their people, land, resources and related programs and policies, through agreements with [federal](#) and [provincial governments](#).



Indigenous Self-Government

Treaty negotiations between Canada, British Columbia and Tla'amin Nation concluded on 21 October 2011. Looking forward to a future under self-government, youth members of the Tla'amin Nation placed personal mementos into a time capsule, celebrating the introduction of provincial legislation to ratify the Tla'amin treaty. They were joined by Premier Christy Clark, Aboriginal Relations and Reconciliation Minister Ida Chong and Tla'amin Nation Chief Clint Williams. (courtesy Province of British Columbia)

Definition

Indigenous self-government is the formal structure through which [Indigenous](#) communities may control the administration of their people, land, resources and related programs and policies, through agreements with [federal](#) and [provincial governments](#). The forms of self-government, where enacted, are diverse and self-government remains an evolving and contentious issue in Canadian law, policy and public life.

Canadian Law

The [Indian Act, 1876](#), dismantled traditional systems of governance and imposed external controls — in the form of local [Indian agents](#) and the federal bureaucracy of the [Department of Indian Affairs](#) on individuals and communities. Not until the late 1960s and early 1970s did increasingly effective political organizations and intensifying activism, along with several high-profile disputes over development in Canada's [North](#), set Canada on a path toward acknowledging and enabling forms of Indigenous self-government. (See also [Indigenous Political Organization and Activism in Canada](#).) This trend gained momentum in the late 20th and the early 21st centuries, and Indigenous peoples saw their rights to self-government affirmed in the [Constitution Act, 1982](#), and in international documents. The right to self-government, however, is far from being enshrined in law. (See also [Rights of Indigenous Peoples in Canada](#).)

Court Cases

At the end of the 20th century, Canadian courts made several rulings on matters regarding [Indigenous rights](#). Matters closely related to the concept of self-government, such as jurisdiction over lands and peoples and regulation of traditional activities, have emerged through these cases. Canadian law has taken a gradual approach to broadening law-making powers and jurisdiction through the exercise of Indigenous rights.

In the [Sparrow](#) case (1990), for example, the [Supreme Court of Canada](#) sidestepped the issue of whether the Musqueam Nation in [British Columbia](#) had jurisdiction to regulate the fishing rights of its members. In the [Pamajewon](#) case (1996), the Court was prepared to consider the possibility that a right of self-government was recognized by Section 35, but did not actually rule that the section had that effect. In the [Delgamuukw](#) case (1997), the Court declined to deal with the issue.

The Pamajewon case involved the Shawanaga and Eagle Lake First Nations and their right to authorize and regulate high-stakes bingo games on their respective [reserves](#). The Court held that such gaming was not a defining or integral feature of the societies in question prior to contact with Europeans and was not protected as an Indigenous right. In general, for the Court to acknowledge jurisdiction to regulate, a group would have to establish that the activity itself is a protected right and that it was regulated by their ancestors prior to contact. This suggests an incremental judicial approach to self-government rather than general recognition of the right to self-determination.

Committees, Commissions and Constitutional Patriation

During the 1980s and 1990s, special committees recommended that broad, even drastic, measures be taken in Canada to recognize and implement self-government, and the issue was raised during the process of patriating the [Canadian Constitution](#).

A Special Committee of the House of Commons on Indian Self-Government was appointed in 1982, and in 1983 it produced the Penner Report, which recommended that [First Nations](#) be recognized as a distinct order of government and that processes leading to self-government be established.

Section 35 of the *Constitution Act, 1982*, had recognized "existing Aboriginal and [treaty](#) rights," but this term was left undefined. The desirability of a constitutional amendment explicitly recognizing an inherent right to self-government was debated in the constitutional conferences

of the 1980s and was revived during the negotiation of the [Charlottetown Accord](#) in the early 1990s. The Accord proposed a constitutional amendment to explicitly recognize Indigenous peoples' "inherent right of self-government within Canada." A national referendum in 1992, however, rejected this and the other Charlottetown initiatives.

The [Royal Commission on Aboriginal Peoples](#), which was formed in 1991, reported to the federal government in 1996 and proposed solutions for a new and better relationship between Indigenous peoples and the Canadian government. Among these solutions, the Commission urged that the "existing Aboriginal and treaty rights" recognized and affirmed by Section 35 of the Canadian Constitution include an inherent right to self-government.

Land Claims

It has been through the land claims (or [comprehensive claim settlement](#)) process, rather than constitutional amendment, that individual communities have achieved differing levels of self-government. Numerous claims have been negotiated with discrete provisions for self-government and levels of co-management with other governments. All Canadian governments, including Indigenous ones, are subject to the Constitution and the *Charter of Rights and Freedoms*.

The [James Bay and Northern Quebec Agreement](#) (JBNQA) of 1975 was negotiated and settled largely in response to proposed hydroelectric power development vigorously opposed by [Inuit](#) and [Cree](#) who had never signed a treaty with Canada. The Naskapis of Northeastern [Québec](#) joined the negotiations during the later stages and signed a companion agreement (the Northeastern Quebec Agreement) in 1978. The JBNQA — as well as the Penner Report — resulted in the *Cree-Naskapi (of Quebec) Act, 1984*, the first piece of Indigenous self-government legislation in Canada, which replaced the *Indian Act* and established Indigenous communities in the region as corporate entities.

In 1984, the [Inuvialuit](#) of the Mackenzie Delta in the [Northwest Territories](#) signed the Western Arctic Claim, or the Inuvialuit Final Agreement, which allowed for the participation of the Inuvialuit in a limited form of local self-government through the creation of the Western Arctic Regional Municipality.

Building on the James Bay and Northern Quebec Agreement (1975) and the Inuvialuit Final Agreement (1984), more recent treaties enable [bands](#) to set up municipal and corporate structures. A historic example is the [Nunavut](#) claim settlement, concluded in 1993, which

resulted in the creation of the new territory of Nunavut in April 1999. Apart from its legal provisions, this created a self-government agreement since the overwhelming majority of the more than 32,000 residents of Nunavut are Inuit .

In British Columbia, the comprehensive [Nisga'a](#) Final Agreement, finalized in 2000, also made provisions for self-government within settlement lands, but was criticized on that basis and challenged in court. The Nisga'a treaty gave the First Nation the right to self-government within the 2,019 km² in the Nass Valley to which the Nisga'a hold title. This includes the authority to manage their lands, assets, and resources and the ability to make laws in regard to Nisga'a citizenship, language and culture. Other First Nations in British Columbia continue to negotiate their claims, with agreements finalized with the Tsawwassen First Nation and the Maa-nulth First Nations in 2009 and 2011, respectively.

Some [Métis](#) communities have achieved, or are in the process of negotiating, self-governance agreements. The 1990 [Métis Settlements Act](#) of [Alberta](#) provided a land base for eight Métis communities in northern Alberta and allowed for the establishment of local traditional-style government. The settlements are subject to provincial and federal law, and with the Alberta government, jointly manage subsurface resources on settlement territory. In 1993, the Sahtu Dene and Métis of the Northwest Territories signed a comprehensive land claim agreement with the federal government. The claim contains a Self-government Framework Agreement, which has been, and continues to be, used in negotiations with the territorial government to establish self-government in the Sahtu Dene and Métis communities covered by the claim.

International Law

In the United States, Native American (or "[Indian](#)") tribes are recognized as "domestic, dependent, sovereign nations" with inherent rights to govern within their reservations, to make laws, to establish courts, and to enjoy immunity from external lawsuits. This doctrine of domestic sovereignty has never been applied in Canada with respect to Indigenous peoples, although many argue that under international law, the same doctrine should apply.

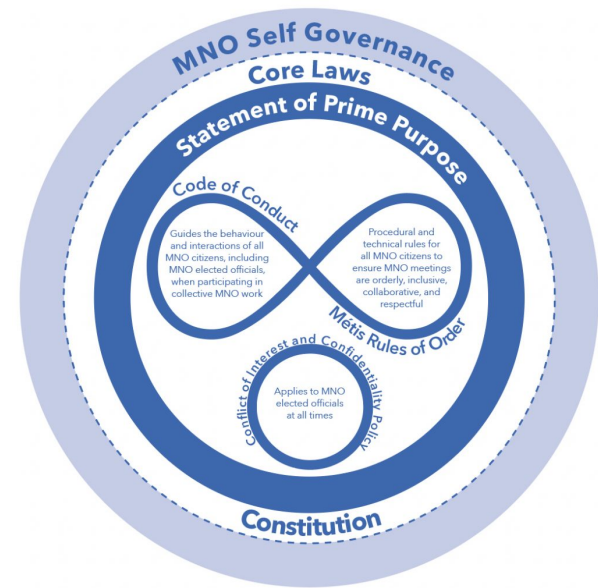
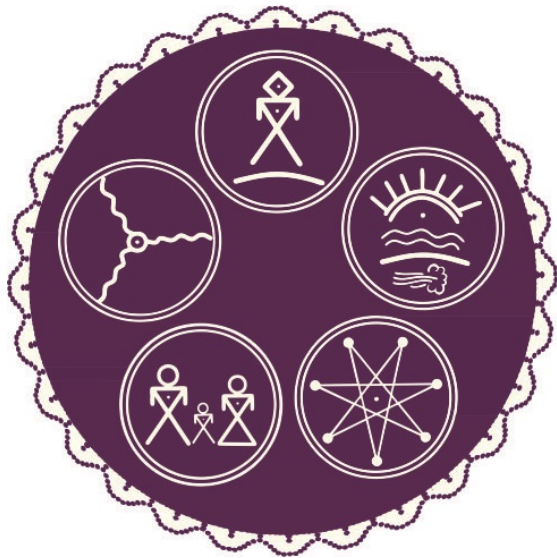
The adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) by the United Nations Permanent Forum on Indigenous Issues in 2007 was at first opposed by Canada because of issues concerning land disputes and the declaration's clauses about the duty to consent that could impact resource development. UNDRIP represented two decades of work on the part of Indigenous peoples from around the world, and while Canada had initially supported this work, its rejection caused a ripple of unrest. In 2010, Canada joined the other

Anglo-settler countries of Australia, New Zealand, and the United States in endorsing the UNDRIP as an “aspirational” document. After a change in federal government, Canada signed UNDRIP in May 2016. In December 2020, the [Trudeau](#) government introduced legislation that intends to align Canadian law with UNDRIP.

Ongoing Issues

The judicial approach to Indigenous self-government is methodical and incremental. Political negotiations have established some powers of self-government for individual communities of First Nations and Inuit , but have yet to fully address the claims of Métis and those of other Indigenous peoples who do not reside in Indigenous communities. All political negotiations are under increasing scrutiny by those who either oppose any degree of self-government for Indigenous peoples or who argue that constitutional amendments are required to give effect to the self-government agreements.

Source: Henderson, William B.. "Indigenous Self-Government in Canada." *The Canadian Encyclopedia*. Historical Canada. Article published February 07, 2006; Last Edited December 04, 2020.



Anishinaabe



Haida



Haudenosaunee



Inuit



Métis



Indigenous Governance: Jigsaw Learning Activity

	Anishinaabe	Haudenosaunee	Inuit	Metis	West Coast Bands
Resource	Anishnabek Nation: https://www.anishinabek.ca/education-resources/gdoo-sastamoo-kii-mi/	Haudenosaunee Confederacy: https://www.haudenosauneeconfederacy.com/government/ TVO Ontario Hubs: the Haudenosaunee Confederacy: https://youtu.be/nGPUDfXUF4k	Inuit Tapiriit Kanatami - https://www.itk.ca/ Inuit Nunangat Taimannanit - Message from our President: https://youtu.be/Tx_MFqVwyaM CBC News: No political parties - How Nunavut's consensus government works: https://youtu.be/2sEVjwiXfSU	Metis Nation of Ontario - Governance https://www.metisnation.org/governance/ Metis Nation of Saskatchewan - History of Governance https://metisnation.com/governance/#history	Governance structure of Wet'suwet'en Nation: https://unistoten.camp/about/governance-structure/ Hereditary Chiefs versus Elected Chiefs : (Indigenous Corporate Training Inc.)
What is the name of this group's governance system? How do they refer to themselves? For example: Government or Nation?					
How is this government organized?					
Which members of the group are involved in					

governance?					
How are the people in the government chosen?					
What is their relationship with the government of Canada?					
Other Key facts? (3 or more)					

Section 35 of the New Canadian Constitution Act 1982

States that:

1. The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognised and affirmed.
2. In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.
3. For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.
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.



Section 35 is a critical advancement, not because it gave Indigenous peoples rights but it "recognizes and affirms" that Aboriginal (First Nations, Inuit, and Metis) peoples' had and continue to have inherent rights

Section 35 of the new Constitution was included as a result of numerous acts of protests and advocacy for the inclusion of Aboriginal peoples rights

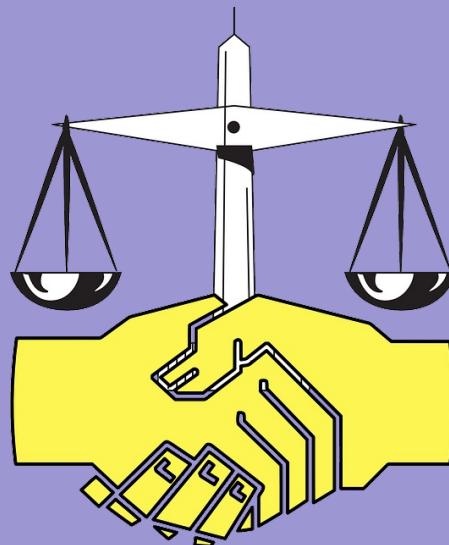


Section 35 does not define what Aboriginal rights are, or what limitations of these rights exist, nor which interpretation/perspective of these rights are to be used (Indigenous or Canadian State)



As a result of this gap in definition, Aboriginal rights end up being defined by the Supreme Court of Canada, which comes with significant financial burden for individual Indigenous communities

See Landmark Supreme Court rulings



Although this remains burdensome, section 35 allows for the legal mechanism for Indigenous communities to assert their inherent rights to the lands, traditions, and way of life that was protected by the treaties