

STRUCTURES AND POWERS OF INDIAN FIRST NATION GOVERNMENTS

The Starting Point

Before the arrival of European settlers in Canada, Indian tribes, nations and confederacies occupied virtually the whole territory, with boundaries defined and confirmed by custom and treaties. Within nations, families were grouped together in villages, towns, clan units and bands. As settlers spread across the country and occupied the land, Indian nations were broken up into smaller units separated one from another, and their economies were disrupted. In the late nineteenth century, these units were defined as 'bands', and a governmental system of 'band councils' was prescribed for Indian communities by the federal government in the *Indian Act*. Bands are now the only Indian political unit recognized in Canadian law.

Witnesses were all agreed that the movement toward self-government must begin with the band.

The primary political unit of Indian government is the band. . . through which flows the authority to govern and implement all powers of political autonomy through a true and democratic process. (Federation of Saskatchewan Indian Nations, Special 11:8)

I think it is safe for the Committee to think initially of each individual 'band', as the *Indian Act* calls them, as a 'First Nation'. (Assembly of First Nations, Special 9:10)

Accordingly, the Committee concluded that the band has to be regarded as the point at which to begin the process leading to self-government.

Witnesses also insisted that there be flexibility. Testimony indicated that some bands will look to their original nation to constitute the primary political unit. In a few instances, where different peoples have been brought together to form one band, a band may separate into two or more units.