



**INDIGENOUS PEOPLES:**



||||| **A** |||||

**GUIDE**

**TO TERMINOLOGY**



»»» *USAGE TIPS* «««

**& DEFINITIONS**



**INDIGENOUS CORPORATE TRAINING INC.**

# Foreword



Hi there, I'm Bob Joseph, founder of **Indigenous Corporate Training Inc.**, One of my personal and professional goals for over 20 years has been to help people and their organizations to work more effectively with Indigenous Peoples.

My Canadian clients include all levels of government, Fortune 500 companies, financial institutions, including the World Bank, small and medium sized corporate enterprises, and Indigenous Peoples.

I have worked internationally for clients in the United States, Guatemala, Peru, and New Caledonia in the South Pacific.

I hope you enjoy this ebook in which I provide some perspective on historical, political and community terminology, plus some definitions of common terms as well as tips regarding usage.

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# What is the definition of Indigenous Peoples?

Before we begin, a bit of context... the First Peoples of this land now known as Canada formerly had unique communities with unique names - there wasn't a need for collective nouns or complicated terminology. With European contact and ensuing colonization, the government required people to be defined and labeled for ease of governing.

As it stands, there is no generally accepted definition of Indigenous Peoples in a global context. Some countries refer to Indigenous Peoples as the people who were there first at contact. Others refer to Indigenous Peoples as the nomadic peoples within their borders.

In Canada, we seem to be using a definition of Indigenous Peoples that mirrors the constitutional terminology of Aboriginal Peoples as stated in **Section 35** that includes the Indian, Inuit, and Metis Peoples.

So when it comes to these two terms what's the best terminology? As always, my favourite answer is "it depends." It really depends on which hat people are wearing.

The federal government sent a strong signal that they prefer Indigenous Peoples in the victory speech, and in the changing of the name of the department of Aboriginal Affairs and first to Northern Development Canada to Indigenous and Northern Affairs Canada and then to Crown-Indigenous Relations and Northern Affairs Canada. So, if you are in the federal system, I think you would be okay to go with Indigenous Peoples.

# Ways to share this eBook

Here are a few suggestions on how you could share this eBook with colleagues and/or visitors to your office:

- print a copy and leave it on the table in your break room
- pin it to a notice board
- post it to your website internet and intranet
- add it to the reading material in your waiting room
- take a copy with you if you are working remotely or visiting a field office

# What is the definition of Indigenous Peoples? *cont'd*

What about the provinces? Had you asked me a few years ago which province in Canada would be the first to go with the terminology "Indigenous Peoples" I wouldn't have picked Alberta but we now see that province going with this term. In Ontario recently we saw the Government of Ontario change the name of its ministry to Indigenous Relations and Reconciliation, signaling a direction from that province. Manitoba First Nations leadership has stated on occasion that they would be interested in dealing with anybody who referred to them as Indigenous peoples.

As for us here at Indigenous Corporate Training Inc. we have begun the process of switching over our materials from Aboriginal Peoples to Indigenous Peoples. Certainly those companies who operate internationally should be going with the international term of Indigenous Peoples.

I think people will continue to ask for practical advice on this and I like to share with them a story about Wayne Gretzky and his philosophy when he was playing hockey. He stated something along the lines of, "I'm not worried about where the puck was. I'm not worried about where the puck is. What I am thinking about is where the puck will be in two plays from now and that's where I have to try to get to." That's my advice for people working on Indigenous relations and reconciliation. Start moving to where the puck will be in two plays.

# Indigenous or Aboriginal?

*Which is correct?*

"Which is correct? Indigenous or Aboriginal" is a frequently asked question for us at Indigenous Corporate Training Inc. We really appreciate the question and the motive behind the question - to respect Indigenous Peoples by using the correct terminology.

Usage of the word "Indian" in Canada is decreasing due to its incorrect origin and connections to colonial policies under the *Indian Act*, and government departments such as the Indian Department (precursor to INAC), Indian Agent, Indian **residential schools** etc.

Aboriginal Peoples moved into popularity as the correct collective noun for First Nations, Inuit and Métis and was widely adopted by government and many national groups. This distinction was made legal in 1982 when the Constitution Act came into being.

**Section 35** (2) of the Act states:

*In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.*

However, "Aboriginal Peoples" has met resistance to its usage from some groups, as discussed in "**Indigenous vs. Aboriginal.**"

For some more information on the significance of the government embracing Indigenous, please read "**Back to the Future: PM-designate Justin Trudeau evokes the Royal Proclamation.**"

# Indigenous Peoples terminology

So, now some tips and guidance on usage of "definitions" of Indigenous Peoples in Canada.

The following pages cover some guidelines for usage.

# Aboriginal Peoples

## *Usage guidelines*

This plural noun, used in the *Constitution Act 1982*, includes the Indian (or First Nations), Inuit and Métis Peoples. So legally, until terminology in the *Constitution Act* is changed, Aboriginal Peoples will always have a place at the terminology table.

### Can:

- Use interchangeably with "First Peoples."
- Use interchangeably with "First Nations."
- Use interchangeably with "Indigenous Peoples."

### Caution:

- If using interchangeably with "First Nations" note that some First Nations prefer not to be called Aboriginal Peoples
- If using this term, it should always be "Aboriginal Peoples" together as opposed to Aboriginal or Aboriginals. Always capitalize and always make sure it's plural. It is never "Aborigines" as that term refers to Indigenous Peoples in Australia.



# First Nation(s)

## *Usage guidelines*

First Nation is a term used to identify Indigenous peoples of Canada who are neither Métis nor Inuit. This term came into common usage in the 1970s to replace the term "Indian" and "Indian band" which many find offensive. First Nations people includes both status and non-status Indians so there's a need to careful with its usage, especially if in reference to programs that are specifically for status-Indians.

There is no legal definition for First Nation and it is acceptable as both a noun and a modifier.

### Can:

- Use to refer to a single band or the plural "First Nations" for many bands
- Use "First Nation community" as a respectful alternative phrase
- Use instead of "Indian" when referring to an individual

### Caution:

- If using interchangeably with "Aboriginal Peoples" as some First Nations people don't like the term "Aboriginal Peoples"
- If using interchangeably with First Nations as some may have more preference for "Indigenous Peoples," for example First Nation communities in Ontario have expressed publicly and politically that they prefer Indigenous Peoples

# Indian

## *Usage guidelines*

"Indian" is the legal identity of an Indigenous person who is registered under the *Indian Act*.

One story about the origin of the term "Indian" dates back to **Christopher Columbus**, who mistakenly thought he had reached the East Indies, so referred to the people in the lands he visited as "indios" which is Spanish for Indian.

Can:

- Use when citing titles of books, works of art, etc.
- Use in discussions of history where necessary for clarity and accuracy
- Use in discussions of some legal/constitutional matters requiring precision in terminology
- Use in discussions of rights and benefits provided on the basis of "Indian" status
- Use in statistical information collected using these categories (e.g., the Census) [1]

Caution:

- If using in front of individuals some may deem it as derogatory and outdated and will call you out on it.

[1] Strategic Alliance for Broadcasters for Aboriginal Reflection

# Indian cont'd

## Usage guidelines

There are categories of "Indian":

Status Indians - are those who are registered under the *Indian Act*

\* Non-status Indians - are those who generally speaking have two distinct qualities: (1) they lack status under the *Indian Act*; and (2) they have Indian heritage; in other words, they have **lost their status** or whose ancestors were never registered or who lost their status under former or current provisions of the *Indian Act*

Treaty Indians - are those who are members of a community whose ancestors signed a **treaty** with the Crown and as a result are entitled to treaty benefits

\* *Non-status Indians and Métis historically were not covered by the Indian Act but as of the Supreme Court of Canada decision on April 14, 2016, they are now considered Indians; how this will affect their rights has not been determined at this time.*

# Indigenous Peoples

## *Usage guidelines*

A collective noun for First Nations, Inuit, Métis and growing in popularity in Canada.

Can:

- Use interchangeably with "First Peoples"
- Use interchangeably with "First Nations"
- Use interchangeably with "Aboriginal Peoples"
- Use Indigenous community as a respectful alternative phrase
- Use "an Indigenous People" to refer to a single group, such as the Musqueam

Caution:

- If using interchangeably with "First Nations" as some may have more preference for "Indigenous Peoples."

# Inuit

## *Usage guidelines*

Indigenous people in northern Canada, living mainly in Nunavut, Northwest Territories, northern Quebec and Labrador. Ontario has a very small Inuit population. Inuit are not covered by the *Indian Act*.

### Can:

- Use Inuk when referring to an individual Inuit person
- Use Inuuk when referring to two people; for three or more people, it is Inuit
- Inuit People - in the Inuktitut language the term **Inuit** translates to "the people" so avoid saying "Inuit People" which is the same as saying "the people people"

### Caution:

- Eskimo as it is considered derogatory. Here's some more information on terminology related to **Inuit Peoples of the World**
- Inuit are not the same as Innu as Innu are an Indigenous group that primarily live in northeastern Quebec and southern Labrador

# Métis Peoples

## *Usage guidelines*

**Métis** Peoples are people of mixed Indigenous and European ancestry. The Métis National Council adopted the following definition of "Métis" in 2002: "Métis" means a person who self-identifies as Métis, is distinct from other Indigenous peoples, is of historic Métis Nation Ancestry, and who is accepted by the Métis Nation." \*Métis are now covered by the *Indian Act*.

### Can:

- Use in reference to "persons whose ancestors inhabited Canada and received land grants and/or **scrip**" [1]
- Use in reference to those who self-identify as Métis

### Caution:

- Some people may refer to themselves as Métis Peoples but upon further research they might fit more into non-status Indian than Métis; for example, "Barbara" self-identifies as a Métis person but with some exploratory questions you discover she lost her status in 1981 upon marriage to a non-status Indian; Barbara doesn't meet the criteria as Métis person based upon the definition above

[1] Aboriginal Peoples: Terminology and Identity, Library of Parliament Research Publications

# Native

## *Usage guidelines*

A becoming gradually outdated collective term referring to Indians (Status, Non-status, Treaty), Métis, and Inuit but has largely been replaced by Indigenous. While some First Nations individuals refer to themselves as "Native" that doesn't necessarily give non-Indigenous people license to do so.

### Can:

- Use when working with organizations such as the Native Women's Association of Canada
- Use when an individual self-identifies using this term

### Caution:

- Use it sparingly as some see it as derogatory and outdated. The term was popular in the colonial and settler era.

# Punctuation

*A couple of notes on punctuation*

- Always **capitalize** Indigenous, Aboriginal, First Nation, Inuit, Métis as a sign of respect the same way that English, French, and Spanish etc are capitalized
- Avoid using possessive phrases like "Canada's Indigenous Peoples" or "our Indigenous Peoples" as that has connotations of ownership. Perhaps go with "Indigenous Peoples in Canada"
- We're not sure why, but the plural possessive for First Nations, Indigenous Peoples, Aboriginal Peoples does not generally use the apostrophe so you won't see, "First Nations' land"
- Both Métis and Metis are in use. Go with what the people you are working with use.

We harken back to our main terminology training tip here which is "always go with what people are calling themselves". It requires some research but it will be worth the effort.



# Glossary: Some frequently used terms

*Aboriginal interest - Aboriginal Peoples*

**Aboriginal Interest:** A broad term referring to the range of rights and entitlements that may arise from long use and occupation of traditional territories by Aboriginal people. Application of common law, statute law, treaty provisions, and the Constitutional protection provided to "... the existing aboriginal and treaty rights of the Aboriginal people of Canada" by section 35 of *The Constitution Act, 1982*, to the facts of the particular case, determines the scope of "Aboriginal interest."

**Aboriginal people/persons:** More than one Aboriginal person.

**Aboriginal people:** "refers to people who identify as First Nations, Inuit or Métis in a context where their specific identity is not at issue." [1]

**Aboriginal Peoples:** Defined in the *Constitution Act, 1982* to include all Indigenous Peoples of Canada - Status Indians, Non-Status Indians, Inuit and Métis people.

[1] *Elements of Indigenous Style A Guide for Writing By and About Indigenous Peoples*, Gregory Younging (Brush Education 2018) p 65

# Aboriginal Rights

The Crown has a legal duty to engage in meaningful consultation whenever it has reason to believe that its policies or actions, directly or indirectly, might infringe upon actual or claimed Aboriginal interests, rights or title.

- 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 priority over all other land uses, after conservation measures;
- must meet a continuity requirement, meaning that the Aboriginal society must demonstrate that the connection with the 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;
- may be regulated by government, but only by legislation explicitly directed at a compelling and substantial objective such as the conservation and management of natural resources;
- 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.

# Aboriginal Title – Band

*Some frequently used terms*

**Aboriginal Title:** In general, "Aboriginal title" refers to the rights of Aboriginal Peoples to the occupation, use and enjoyment of their land and its resources. The classic legal definition was provided by the Supreme Court of Canada in *Delgamuukw v. British Columbia* [2]:

*"... aboriginal title encompasses the right to exclusive use and occupation of land; second, aboriginal title encompasses the right to choose to what uses land can be put, subject to the ultimate limit that those uses cannot destroy the ability of the land to sustain future generations of Aboriginal Peoples; and third, that lands held pursuant to aboriginal title have an inescapable economic component."*

**Band:** The *Indian Act* defines "Band", in part, as a body of Indians for whose use and benefit in common, lands have been set apart. Each Band has its own governing Band Council, usually consisting of a Chief and several councilors. The members of the Band usually share common values, traditions and practices rooted in their language and ancestral heritage. Today, many Bands prefer to be known as First Nations. Capitalize "Band" when it is part of a specific band, such as Osoyoos Indian Band, otherwise, use lowercase.

# Band or First Nation Council – Chinook Jargon

*Some frequently used terms*

**Band Council or First Nation Council:** The Band's governing body. Community members choose the Chief and councilors by election under section 74 of the *Indian Act*, or through traditional custom. The Band Council's powers vary with each band.

**Chief:** There are two classifications of Chief:

- **Band Chief:** A person elected by Band members to govern for a specified term. Under the specifications of the *Indian Act*, First Nations must have an election every two years.
- **Hereditary Chief:** A Hereditary Chief is a leader who has power passed down from one generation to the next along blood lines or other cultural protocols, similar to European royalty.

**Chinook Jargon:** Describes a language that was loosely based on the Chinook Peoples language. It developed as a trade language so that communication could take place between people who spoke different languages. It appeared in the 19th century from the Columbia River area and spread out into Washington, Oregon, British Columbia, and Alaska.

# Elder – Fiduciary obligation

*Some frequently used terms*

**Elder:** Elders are recognized because they have earned the respect of their community through wisdom, harmony and balance of their actions in their teachings. Elders try to instill respect in their community members for the natural world and that the earth is their mother.

**Enfranchisement:** The process involved in giving up one's status as an Indian; predominate during era of Indian assimilation practices. In 1985, this practice was terminated by Bill C-31.

**Extinguishment:** The history of extinguishment of title has its roots in old or historic treaties which contained the words "cede, release, surrender" of their rights, title and privileges to the lands included within the limits of that particular treaty.

**Fiduciary obligation:** A legal duty described by the Supreme Court as the obligation of one party to look after the well-being of another. Canada has fiduciary obligations to Aboriginal people, meaning that Canada must consult and negotiate with Aboriginal people whenever their interests are concerned.

# First Nations – Impacts & Benefits Agreements

*Some frequently used terms*

**First Nation:** A term that came into common usage in the 1970s to replace the term "Indian band", which many, not all, found offensive. The term "First Nation" has been adopted to replace the word "Band" in the name of many communities, and can refer to a single Band, many Bands, an Aboriginal governing body, organized and established by an Aboriginal community, or an Aboriginal community as a whole. First Nation is not applied to Inuit or Métis, who are distinct and separate.

**First Peoples:** Another, less frequently used collective term to describe the original peoples in Canada.

**Impacts and Benefits Agreements (IBA):** A broad term used to describe various contractual commitments related to development of land or resources subject to Aboriginal rights. IBAs usually impose negotiated limits on a project's impacts on the environment, on fish and wildlife, on the land and First Nations traditional use and enjoyment of same; and IBAs usually define a range of negotiated economic and preferential benefits to flow to the First Nation(s) whose lands are to be impacted by the development.

# Indian – Indigenous Peoples

*Some frequently used terms*

**Indian:** see "Indian" on pages 9/10

**Indian Act:** The *Indian Act* is federal legislation that regulates Indians and reserves and sets out certain federal government powers and responsibilities toward First Nations and their reserved lands. The first *Indian Act* was passed in 1876, although there were a number of pre-Confederation and post-Confederation enactments with respect to Indians and reserves prior to 1876. Since then, it has undergone numerous amendments, revisions and re-enactments.

**Indigenous Peoples:** The definition of "indigenous" is "native to the area" – so, in terms of Indigenous people, they are indigenous to North America. As a collective term, it should be capitalized "Indigenous Peoples."

a) "Peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;"

b) "Peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions." *ILO 169, a respected international convention*

# Inherent Rights – Inuit

*Some frequently used terms*

**Inherent Rights:** Pre-existing rights that a person is born with into their nation; officially recognized by Canada under section 35 of the *Constitution Act, 1982*: Aboriginal peoples of Canada have the right to govern themselves in relation to matters that are internal to their communities, integral to their unique cultures, identities, traditions, languages and institutions, and with respect to their special relationship to their land and their resources.

**Inuit:** Aboriginal people in northern Canada, living mainly in Nunavut, Northwest Territories, northern Quebec and Labrador. Ontario has a very small Inuit population. Inuit are not covered by the *Indian Act*. The federal government has entered into several major land claim settlements with Inuit.



# Land Claims

*Land, Comprehensive, Specific & Agreement*

**Land Claims:** In 1973, the federal government recognized two broad classes of claims – comprehensive and specific.

- Comprehensive Claims:

Comprehensive claims are based on the assessment that there may be 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. While each claim is unique, frequently these claims include such things as land title, fishing, trapping, and resource rights and financial compensation - hence the "comprehensive".

- Specific Claims:

Specific claims declare grievances over Canada's alleged failures to discharge specific obligations to First Nations groups.

**Land claim agreement:** A term used by the federal government to refer to a negotiated settlement with a First Nation on lands, land usage, and other rights.

# Métis Peoples – Oral History

*Some frequently used terms*

**Métis Peoples:** People of mixed Indigenous and European ancestry. The Métis National Council adopted the following definition of "Métis" in 2002:

*"Métis" means a person who self-identifies as Métis, is distinct from other Aboriginal peoples, is of historic Métis Nation Ancestry and who is accepted by the Métis Nation."*

**Nation:** People united by common descent, history, culture and language associated with a particular territory.

**Native:** Another outdated collective term referring to Indians (status and Non-status), Métis, and Inuit but has largely been replaced by Indigenous.

**Oral History:** It has been suggested that if a culture didn't have a written language, then it was considered primitive. Indigenous Peoples in North America have relied on oral histories, as opposed to written languages, since the dawn of time. History is frequently passed to future generations through stories, songs and oral communications.

# Reserve – Scrip

*Some frequently used terms*

**Reserve:** Defined by the *Indian Act* as "... 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." 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. "Reservation" is an American term.

**Scrip:** Certificates redeemable for land or money issued to Métis during the late 19th and early 20th centuries. Métis would have to apply for the scrip in order to qualify; it was a system designed to extinguish Métis Aboriginal title.

**Self-determination:** A major objective of Indigenous Peoples, country-wide, is to gain control over who can become members. Currently, bands are required to maintain a registry with many of the rules governing membership mandated by the *Indian Act*. As we move into the future, the desire is for communities to decide who their members are, and not be directed by a bureaucrat in Ottawa. Self-determination is the right to decide who your people are.

# Self-government & self-identification

*Some frequently used terms*

**Self-government:** Long before Europeans arrived in Canada, First Peoples were self-governing. In 1876, when the *Indian Act* went into effect, traditional governance systems were dismantled and alien regulations were imposed in their place. When we take a look at the day-to-day operations of a band we see that all the actions of the band are directed in accordance with the *Indian Act*. This is a huge problem for bands, and their politicians, because it means that while they are elected by their people they are accountable to the department of Crown-Indigenous Relations and Northern Affairs Canada. Their preference would be to change to a system where the governing leaders are elected and accountable to their people. Such models do exist and the communities with self-government agreements have done well in terms of the nation building process.

**Self-identification:** Self-identification refers to the voluntary, confidential, self-described declaration of Indigenous identity.

**Self-reliance:** A key objective of Indigenous Peoples. They want the ability to participate in the political in the political, and more importantly, the economic mainstream without having to rely on federal funding to meet their community needs. In addition to business opportunities, they also want to get into the realm of taxes, royalties and revenue sharing on land developments which are viewed as key to the self-reliance puzzle.

# Surrender – Traditional territory

*Some frequently used terms*

**Surrender:** A formal agreement that confirms the conditions and terms when a First Nation exchanges part of its territory for equitable compensation.

**Socio-Economic Participation Agreement (SEPA):** A synonym for Impacts and Benefits Agreement.

**Traditional Ecological Knowledge (TEK):** "TEK" broadly describes systems for understanding one's environment, based on detailed personal observation and experience, and informed by generations of elders. TEK is recognized and used around the world as an important environmental assessment tool.

**Traditional Territory:** 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 – Tribal council

*Some frequently used terms*

**Treaty:** 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. Modern treaties, once ratified, become part of the law of the land.

**Treaty Rights:** Rights specified in a treaty. Rights to hunt and fish in traditional territory and to use and occupy reserves are typical treaty rights. This concept can have different meanings depending upon the context and perspective of the user. Treaty rights are constitutionally recognized and affirmed; the terms of treaties take precedence over the other laws and policies in Canada.

**Treaty settlement land:** The area of land that is part of a treaty and is therefore owned and managed by the First Nation that negotiated the Treaty.

**Tribal Council:** Not defined under the *Indian Act*, a Tribal Council usually represents a group of bands to facilitate the administration and delivery of local services to their members.

# Urban reserve – Usufructuary rights

*Some frequently used terms*

**Urban reserve:** There are two types of urban reserves: one is a reserve that was rural but became urban when a neighbouring town expanded around them. An example is the Musqueam Reserve in Vancouver. The second type of reserve is created when a First Nation acquires a block of land in a city and works through the process of acquiring reserve status for the land.

**Usufructuary Rights:** Communal or community rights to share in the use of property. This concept has been used by the courts in attempting to distinguish between Crown title and Aboriginal title.

Thank you for your interest!

It is our hope that by learning more about the terms associated with Indigenous Peoples, you will be more comfortable in your personal and professional capacity, and in your day-to-day interactions with Indigenous Peoples.

If you have more questions than answers you may want to take one of our courses to get more proficient.

Gilakasla!



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## Vancouver Board of Trade Intercultural Presentation by Bob Joseph

Watch this 45 minute video to learn some more terminology tips.

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S. S. DFO Canada Species at Risk Program

## How to Negotiate with Indigenous Peoples

"How to Negotiate with Indigenous Peoples should be on the must take list for most if not all employees of Government who may come into contact with First Nations for negotiation purposes." B. W. British Columbia Ministry of Forests, Lands & Natural Resource Operations

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