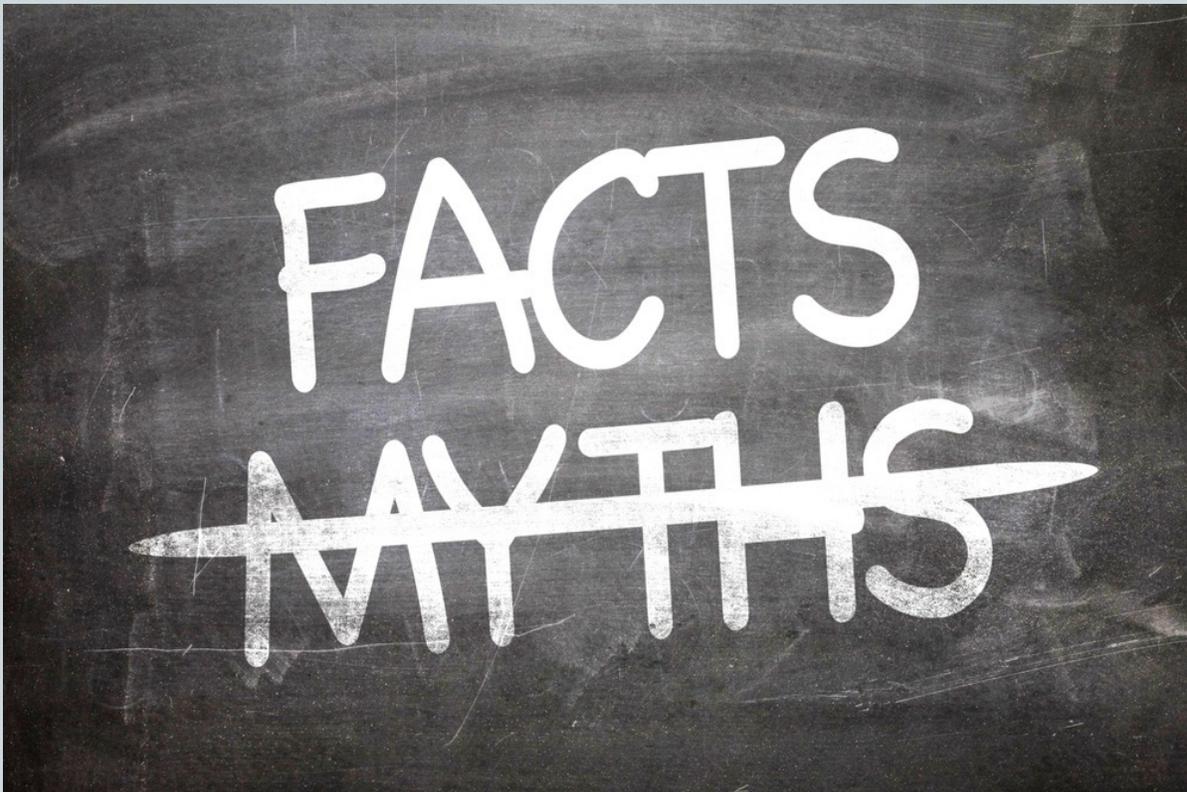




Indigenous Corporate Training Inc.

# Dispelling Common Myths About Indigenous Peoples



9 Myths & Realities

# About the author

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Hi there, I'm **Bob Joseph**, a certified Master Trainer and founder of **Indigenous Corporate Training Inc.** Through my courses I have been helping organizations, all levels of government, and individuals work more effectively with Indigenous Peoples for over 20 years.

I believe that by sharing knowledge and information through our training, blog and free resources, such as this ebook, we can make the world a better place for Indigenous and non-Indigenous people.

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# Foreword

## A Note on Terminology

This ebook is titled *Dispelling Myths about Indigenous Peoples* so before we get going we should talk about terminology. This ebook could have easily been about Aboriginal peoples or Indians or First Nations but we chose Indigenous Peoples because the federal government is now using this term.

The constitutional correct terminology in Canada is Aboriginal Peoples and this includes Indian, Inuit and Métis. Indian can be synonymous with First Nation, First Nations or even Nations. Indian can also be broken up into status Indian and non status Indian. The Inuit are different from Indians as are Métis.

# Foreword cont'd

## A Note on Terminology

We will use those terms accordingly depending on the myth we are talking about. Most of the myths (taxes, housing, education) regarding Indigenous Peoples in Canada relate to Indians (status) or First Nations.

For the purposes of this ebook, we use First Nation. Although the ebook is called *Dispelling Common Myths About Indigenous Peoples*, you will see a shift in terminology. And the last word on terminology, in addition to the Indigenous Peoples in Canada - First Nations, Inuit and Métis - you can also have Indigenous Peoples from other countries such as Peru, Mexico or Argentina living in Canada. They are still Indigenous persons, but are not covered by the **Indian Act** or eligible for tax exemptions for example.

# Definition of a myth

The definition of “myth”, according to the *Oxford Canadian Dictionary*, is “a widely held but false notion”. Well, there are many widely held but false notions or myths regarding the perceived special privileges Indigenous Peoples in Canada receive from the federal government.

In this ebook we take a look at some of the common ones and then provide a snapshot of the reality for Indigenous Peoples.

Myths surrounding Indigenous Peoples cover many aspects. These myths, which have endured for generations and continue to do so, often paint a distorted picture that does not represent reality for many Indigenous People in Canada.

# Myth # 1: Indigenous Peoples are all the same

## REALITY:

One of the popular myths is that the Indigenous community is one homogeneous group. This disregards the reality that hundreds of individual Indigenous communities have their own unique history, culture, traditions and economies.

*"Anishinaabe, Métis, Coastal Salish, Cree, Cherokee. We have nothing much in common. We're all aboriginal and we have the drum. That's about it."*

Thomas King writing about a drum circle in "The Inconvenient Indian: A Curious Account of Native People in North America"

Not recognizing the cultural diversity of Indigenous Peoples in Canada is one of the most common mistakes non-Indigenous people make when working with people and communities. See this short video on name dropping for example.

Respect for cultural diversity is an aspect of Canadian society that is of great appeal to people from other countries who want to move here, and is supported by the Multiculturalism Act of 1988. The average Canadian would proudly say they respect cultural diversity.

# Myth # 1: Indigenous Peoples are all the same cont'd

## **REALITY:**

There are three distinct groups of Indigenous (Aboriginal) Peoples - First Nation or Indian, Métis and Inuit as defined by the Constitution Act, 1982.

Let's take a look at the largest group - First Nations (also known as Indians). There are over 600 bands and over 2,000 reserves - each one with a distinct history that shaped their particular cultural identity. They each have distinct languages, cultures, economies, capacities, challenges, stories, teachings and worldviews. In BC alone there is an amazing diversity of First Nation culture and language - there are over 200 First Nation communities in the province - each with its own unique culture, traditions and history. These 200 communities represent 60% of the First Nation languages spoken in Canada. Speaking of language, did you know that outside of Quebec, English is becoming the common language of Aboriginal people in Canada?

# Myth # 1: Indigenous Peoples are all the same cont'd

## **REALITY:**

Recognition of the uniqueness of each community is a fundamental first step non-Indigenous Canadians can take to respect Indigenous Peoples. If, for example, readers believe First Nation people should all be equal then they are not respecting and recognizing that this is the opposite of recognition of difference.

In terms of an extractive company, an educator, a government representative, or average Joe or Josephine (to be respectful) time spent researching and developing an understanding of the unique background of each community will increase your understanding of what is important to that community, what they are proud of, and what they will fight to protect.

# Myth #2: Indigenous Peoples already have ample reserve lands and resources

## REALITY:

There are a number of wrongs about this myth, the first being that not all Indigenous Peoples have reserves.

*"Except for the far north (including northern Quebec), where comprehensive land claims settlements have improved the situation, the present land base of First Nations is inadequate. Lands acknowledged as First Nation south of the sixtieth parallel (mainly reserves) make up less than one half of 1% of the Canadian land mass. Much of this land is of marginal value. In the United States (excluding Alaska) - where Aboriginal people are a much smaller percentage of the total population - the comparable figure is 3%." [1]*

# Myth #2: Indigenous Peoples already have ample reserve lands and resources cont'd

## REALITY:

Some reserves are tiny, some are vast distances from urban centres, education facilities, and employment opportunities. Don't make the mistake of equating reserves with traditional or treaty territories which can be vast.

As designated in the Indian Act:

*"Reserves are held by Her Majesty for the use and benefit of the respective bands for which they were set apart, and subject to this Act and to the terms of any treaty or surrender, the Governor in Council may determine whether any purpose for which lands in a reserve are used or are to be used is for the use and benefit of the band." [2]*

Traditional lands refer to an area that a Nation has occupied and used for many generations, long before reserve borders were imposed by the Indian Act. When reserves were designated, traditional usage and ceremonial sites were not always considered. Some Nations were relocated to reserves in areas that were completely alien to their traditional lands.

[1] Report of the Royal Commission on Aboriginal Peoples

[2] Indian Act 18.

# Myth #3: Indigenous Peoples can do whatever they want with their reserve lands and resources.

## REALITY:

For this myth to be true, all Indigenous Peoples in Canada would live on **reserves**. In reality, a reserve is a tract of land set aside under the Indian Act and treaty agreements for the exclusive use of an Indian band (First Nation). Métis and Inuit have no reserves. The ultimate title to reserve lands is vested in "Her Majesty".

Section 28 of the Indian Act states:

*"Reserve lands are not subject to seizure under legal process."*

Section 32 (1) of the Indian Act provides:

*"A transaction of any kind whereby a band or a member thereof purports to sell, barter, exchange, give or otherwise dispose of cattle or other animals, grain or hay, whether wild or cultivated, or root crops or plants or their products from a reserve in Manitoba, Saskatchewan or Alberta, to a person other than a member of that band, is void unless the superintendent approves the transaction in writing."*

# Myth #3: Indigenous Peoples can do whatever they want with their reserve lands and resources cont'd

## **REALITY:**

The Canadian government passed legislation in the late 19th and early 20th centuries allowing the government to expropriate portions of reserve land to provide land for public utilities rights-of-ways (railways, transmission lines and highways) - often done without the consent of the Nation and without compensation. It is this expropriation that has resulted in the fragmentation and disruption of many reserves.

In many cases, the province or Crown further retains subsoil rights on the reserve, which means band members do not 'own' the minerals found there.

Coastal waters and tidal lands do not form part of the reserve either in most cases. Although colonists tried to justify the small sizes of many reserves along coastal British Columbia by their access to waterways, Indigenous fishing grounds and their resources have been restricted by provincial and federal regulations.

# Myth #4: Indigenous people living on reserves get free housing!

## **REALITY:**

The Canada Mortgage and Housing Corporation (CMHC) offers many programs to assist both Indigenous and non-Indigenous people meet their housing needs. For Indigenous people, the assistance programs are only applicable for dwellings on reserve lands. First Nations (or Indians, depending on their preference) people can apply for social housing programs offered by the CMHC.

The housing programs for Indigenous people are mainly designed to give low-income families access to rental housing. Bands and First Nations that meet CMHC lending criteria apply to a bank for conventional mortgage funds to finance the social housing construction, usually with CMHC providing loan insurance. The band rents the housing units to its members and maintains the mortgage.

On many reserves, except some that have developed **self-government** agreements, the house is owned but the land is not – therefore it cannot be sold - which makes it impossible to build up equity in your home, as is possible for non-Indigenous people. Additionally, the reality for most people is that they need to take out a loan in order buy a house and loans require collateral.

# Myth #4: Indigenous people living on reserves get free housing cont'd

## **REALITY:**

The Indian Act limitations to seizing property on-reserve, make it extremely difficult to secure financing for anything, whether you intend to buy, build or renovate a house, start a business, or what have you. To be extremely clear, this is not an endorsement of attempts to unilaterally impose private property regimes on reserve, I'm just explaining things.

Reserves are of a finite size, and on some urban reserves, there is no room for expansion - when the space available for housing reaches its maximum capacity, that's it, which makes accommodating population growth a challenge. As Indigenous people are the fastest-growing segment of Canada's population, with more than half the population under the age of 25, this means the additional challenge of available building space will become an issue for some reserves.

# Myth #4: Indigenous people living on reserves get free housing cont'd

## **REALITY:**

The housing shortage on-reserve is in the range of 20,000 - 35,000, according to Indigenous and Northern Affairs Canada (2011), with the shortfall growing by an estimated 2,200 units every year. The population growth rate coupled with the shortage of adequate housing results in people living in unhealthy and overcrowded conditions.

Maintenance is also a huge factor. Many reserves are situated long distances from hardware stores or have fly-in access only so have to bring in building supplies by air.

The struggles of the Attawapiskat First Nation in Ontario that hit the media in late December 2011 are a clear example of some of the unhealthy and overcrowded living conditions that exist on reserves in Canada today.

# Myth #5: Indigenous Peoples don't pay taxes in Canada

## **REALITY:**

This myth is proclaimed frequently, and is presented as a testament that Indigenous People in Canada have a massive tax advantage over other people in Canada.

In order for this myth to be true, it would have to be all Indigenous people are exempt from paying taxes but the reality is that it is only the status Indians who are exempt from paying taxes. All other Indigenous people - Inuit, Métis and non-status Indians - pay taxes on the same footing as non-Indigenous people.

However, in January 2015 the Supreme Court of Canada ruled that Métis and non-status Indians are "Indians" under the Constitution Act. This could mean in future that Métis and non-status Indians will also be eligible for the same tax exemptions but it is unclear yet. The federal government is considering its options in terms of appealing the decision. Indigenous Peoples from other countries such as Mexico or Peru, living in Canada pay taxes.

Federal tax exemptions for status Indians have existed at least since the consolidation of the Indian Act in 1876, but only apply in very specific and limited conditions. Under sections 87 and 90 of the Indian Act, status Indians do not pay federal or provincial taxes on their personal and real property that is on a reserve. Personal property includes goods, services and income as defined under the Canada Customs and Revenue Agency policies. As income is considered personal property, status Indians who work on a reserve do not pay federal or provincial taxes on their employment income.

# Myth #5: Indigenous Peoples don't pay taxes in Canada cont'd

## **REALITY:**

Initially the purpose of the exemption was to preserve the entitlements of status Indians to their reserve lands and to ensure that the use of their property on their reserve lands is not eroded by taxes.

Section 87 also exempts from the federal Goods and Services Tax (GST) the goods and services bought by status Indians at businesses located on-reserve. Goods and services purchased off-reserve by status Indians but delivered to the reserve are also tax exempt. Most provincial sales taxes are similarly applied. In some provinces, there are certain exemptions such as automobiles which must be registered to an address on a reserve in order to be tax exempt.

Most income, sales and property tax exemptions only apply to status Indians (637,660) who live or work on a reserve. Less than half of all registered status Indians live on reserve so the number who are actually eligible for tax exemptions amounts to about 314,000 people. [1] To put it in perspective, somewhat less than half of all registered status Indians live on reserve so less than 1% of the total population of Canada are exempt from paying certain taxes.

# Myth #5: Indigenous Peoples don't pay taxes in Canada cont'd

## REALITY:

The Court has indicated that this tax exemption is not intended to remedy the economically disadvantaged position of Aboriginal people in Canada or bring economic benefits to them. Also, based on Supreme Court decisions, Indian property not situated on a reserve will generally be subject to tax just like property held by other Canadians.

Status Indians do pay income tax. Income earned on a reserve is exempt, whether or not the employed status Indian person lives on or off reserve. Income earned off reserve is taxed on par with non-Indigenous taxpayers.

So, in terms of how many status Indians are receiving income tax exemptions:

- "The employment rate for working-age Status Indians was 55% in 2011, over 20 percentage points lower than the rate for non-Aboriginal persons of working age (76%).
- The unemployment rate for working-age Status Indians was 17%. The proportion was even higher for those living on-reserve at 22%." [2]

# Myth #5: Indigenous Peoples don't pay taxes in Canada cont'd

## REALITY:

Sorry, Justin, there's no free gas!

In 2012, Justin Bieber infamously stated in an interview for Rolling Stone magazine

*"I'm actually part Indian. I think Inuit or something? I'm enough percent that in Canada I can get free gas."*

Reality check - status Indians who present their status card when purchasing gas on reserve are tax exempt. This does not apply to gas purchased off reserve.

So there's some clarification for you. Now when you hear the statement "Indigenous Peoples don't pay taxes" you will know differently.

We also would like to point out that not paying taxes is practically a national pastime - consider all the non-Indigenous Canadians and corporations who actively look for loopholes to avoid paying taxes and are entitled to do so...

# Myth #5: Indigenous Peoples don't pay taxes in Canada cont'd

## **REALITY:**

So, some points to further clarify the reality of the myth that Indigenous people don't pay taxes in Canada: Personal property tax exemption facts:

- "A tax exemption for Indian property situated on reserves has existed since before Confederation.
- The Supreme Court of Canada has stated that this exemption is linked to the protection of reserve land and property.
- The Court has concluded that the purpose of the exemption is to make sure tax does not erode the use of Indian property on reserves.

[1] 2011 National Household Survey: Aboriginal Peoples in Canada: First Nations People, Métis and Inuit

[2] ibid

[3] Canada Revenue Agency website

# Myth #6: Indigenous Peoples receive free postsecondary education

## **REALITY:**

To say that all Indigenous Peoples receive free post-secondary funding is misleading because it implies all Indigenous Peoples are eligible for funding. This is not the case. Only status Indians are eligible to receive funding for post-secondary education through Indigenous and Northern Affairs funding - non status Indians, Inuit and Métis are not eligible for this funding through INAC.

Eligibility is just one criteria. The student has to apply to the band office of their home community. The number of applications for funding frequently exceeds the available. Some communities have waiting lists and those on the lists will probably never be funded. Some communities require the student to be a resident in the community which eliminates the students who live in urban centres. So, while in some communities the rate of high school graduation is increasing, the graduates often step off the path to higher education at that point due to the lack of available funds.

In order to create additional opportunities for their members some status Indians and bands set aside funding within their budgets to assist their members in obtaining a post-secondary education. These programs are similar to scholarship programs established by post-secondary institutions and other organizations who want to see the advancement of youth.

# Myth #7: Residential schools are ancient history

## REALITY:

It is a common and convenient myth that **residential schools** are part of Canada's ancient history. In reality the last school closed in 1996 which is 166 years after the first school, the Mohawk Indian Residential School, opened in 1830. As recently as 1979, 12 residential schools were still operating. Over the 166 years there were 139 schools operating across Canada except Prince Edward Island New Brunswick and Newfoundland (in Newfoundland the Indigenous population, the Beothuk, became extinct 350 years after European contact).

Beginning in the late 1800s, Indigenous children (150,000) were removed from their homes and placed in state funded and church-run schools - they were not allowed to attend public schools. Programs offered in the Indian Residential Schools system emphasized 'Christianizing' Indians (at that time there was no distinction between Indians, Inuit or Métis) and provided training for jobs in agriculture and as domestic help - not with a goal of obtaining a post secondary education.

# Myth #7: Residential schools are ancient history cont'd

## REALITY:

The policy behind the schools has now been acknowledged as “cultural genocide”.

*"I want to get rid of the Indian problem. I do not think as a matter of fact, that the country ought to continuously protect a class of people who are able to stand alone... Our objective is to continue until there is not a single Indian in Canada that has not been absorbed into the body politic and there is no Indian question, and no Indian Department." [1]*

The impact of the residential school system is multi-generational, current, and is considered one of the primary contributors to the social problems of many survivors, their families, and communities. There are approximately 80,000 former students, or survivors, alive today. According to the Truth and Reconciliation Commission an approximate 6,000 children died in or due to residential schools.

[1] Duncan Campbell Scott, 1920, Deputy Minister, Indian Affairs in Canada

# Myth #8: There's no connection between Indigenous unemployment and Indigenous health and social problems

## **REALITY:**

Employment opportunities and rates on reserves vary considerably due to general economic circumstances in a particular region and the presence or absence of onreserve resource bases that can generate employment.

Given that in many circumstances incomes are low and employment prospects poor, it is not surprising that a large proportion of the Indigenous population is unemployed and lives in poverty.

Going back to Myth#4, poor and scarce housing leads to too many people living in housing units that are frequently riddled with mold, not weatherproof, and insufficiently heated - the ideal incubation setting for respiratory conditions.

# Myth #9: Missing and murdered Indigenous women brought it upon themselves

## REALITY:

Decades of government policies have wreaked havoc on traditional Indigenous family relations and destroyed communities, leaving many Indigenous women and girls impoverished, demoralized and extremely vulnerable to exploitation and attack. Prevailing antagonism and enduring racial stereotypes that sexualize Indigenous women and girls denigrate their dignity and self-worth and sets the environment for some men to feel they can get away with violent acts of hatred against them.

Stats Canada' report Violent victimization of Aboriginal women in the Canadian provinces, 2009 shows that

*"close to 67,000 or 13% of all Aboriginal women aged 15 and older living in the provinces stated that they had been violently victimized. Overall, Aboriginal women reported experiencing close to 138,000 incidents of violence and were almost three times more likely than non-Aboriginal women to report having been a victim of a violent crime. This was true regardless if the violence occurred between strangers or acquaintances, or within a spousal relationship."*

# Myth #9: Missing and murdered Indigenous women brought it upon themselves cont'd

## **REALITY:**

In 2014 the RCMP released a report that marked the first time that police in Canada have attempted, at the national level, to identify how many Indigenous women and girls have been murdered or gone missing. According to the report, 1,117 women and girls identified as Indigenous were murdered between 1980 and 2012—a homicide rate roughly 4.5 times higher than that of all other women in Canada. In addition, as of November 2013, at least 164 Indigenous women and girls remained missing under suspicious circumstances or for undetermined reasons.

Indigenous women and girls in Canada, on and off reserves, in major cities, in every region in the country are at risk of experiencing violence. The perpetrators include Indigenous and non-Indigenous men alike.

The 1,117 murdered Indigenous women and the additional 164 who are missing under suspicious circumstances did not bring it upon themselves.



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