

## What does “inherent” or “pre-existing” rights mean?

All Canadians have the same rights and freedoms. However, the Canadian Constitution gives certain Aboriginal groups additional rights connected to specific areas of land. The rights come from unique traditional land uses before European contact. These inherent or pre-existing rights are part of overall Aboriginal rights. They can include protection of burial sites or fishing and hunting practices that are specific to a particular location.

## What are treaty rights?

These rights are distinct from Aboriginal rights. They are specific rights outlined in written agreements between the Canadian government and certain Aboriginal groups. Treaties detail what rights (such as health, education and money transfer) were given to certain groups in exchange for land. Treaties are unique to one another. In Alberta, Treaties 6, 7 and 8 were signed in the late 1800s.

## Who are the Métis?

Métis people have mixed First Nation and European heritage. Métis people have their own culture and customs that are separate from First Nations, Inuit and European ancestries. Métis people are recognized under the Canadian Constitution.

## How are Inuit different than other Aboriginal groups?

Inuit are a distinct group that differ from Métis and First Nations both culturally and ethnically, even though all three are considered Aboriginal groups within the Canadian Constitution. However, Inuit are not entitled to be registered as ‘Indians’ under the Indian Act.



BearPaw Legal Education  
[www.bearpaweducation.ca](http://www.bearpaweducation.ca)



BearPaw Legal

funded by Alberta Law Foundation

# ABORIGINAL IDENTITY: TERMS AND DEFINITIONS





## What is the legal definition of being Aboriginal?

It means belonging to a distinct cultural group whose ancestry goes back to before Europeans set foot in North America. There are three main Aboriginal groups in Canada, which are First Nations (both status and non-status), Inuit and Métis.

## What are Aboriginal rights?

Aboriginal rights are a shared set of rights that apply to all Aboriginal groups across the country regardless of treaties. To have Aboriginal rights means to be allowed to pursue traditional activities that were practised before European contact, such as hunting and fishing. It also means that aboriginal people can claim ownership over large areas of land and the land's resources. These rights are protected under the Canadian Constitution.



## What does it mean to be a treaty Indian?

A treaty Indian is a term used to describe a beneficiary of a treaty. In other words, it means being a member of an Aboriginal group whose ancestors signed a treaty with the Canadian government at some point in history. It also means, as a member of a particular treaty group, a person has secured treaty rights under that particular treaty agreement.

## What does non-treaty Indian mean?

A non-treaty Indian is someone who identifies as a First Nation person who is not a beneficiary of rights outlined in a specific treaty.

## What does status and non-status mean?

Status Indian is a term used to describe someone with a name on the 'Indian register'. The register became part of the Indian Act in 1951 to keep statistics and track the location of people within different bands. Non-status Indian is a term that refers to someone who identifies as Indian but is not registered on the Indian Act registry. Individuals may have given up status in order to vote (pre-1960s) or by being the wife or child of a non-status man (pre-1985).

## What does the term First Nation(s) cover?

First Nation(s) is a term that is generally used to replace the words 'Indian', 'band' or 'tribe'. Whereas Indian used to commonly refer to all native groups that are not Métis or Inuit, they are now mostly referred to as First Nations. Tribes, such as the Cree, are now also known as First Nations. A particular band or community, such as the Mikisew Cree, is known as a single First Nation.

