

FIRST NATIONS LAND DISPUTES

DO CANADIAN TREATIES MATTER?

Activity: Beginning an inquiry on the impact of Canadian treaties with First Nations people

Big Idea: Historical treaties between the First Nations people and European colonizers continue to impact the lives of all Canadians.

Focus Question: To what extent do you agree with this “big idea”? Why?

1. To begin an inquiry into the impact of historical treaties in Canada, analyse photos from an internet image search “Idle No More + treaty rights.”
2. Complete the chart by analysing a minimum of three (3) photos. These photos should trigger your curiosity and provide some context that furthers your understanding of the issue of First Nation treaty rights.

What I see in the photo	What I infer from the photo	Questions arising

3. Research one of your questions arising. Be sure that the question is specific enough that you can focus your search for information on First Nation treaty rights in Canada. Use credible sources representing two different perspectives.
4. Reconsider the statement “Historical treaties made with First Nations people and European colonizers continue to impact the lives of all Canadians.” Reflect on what you have learned from the initial photos analysis, creation of inquiry questions, selecting and analysing sources.

DIGGING DEEPER: NUMBERED TREATIES IN CANADA

Canada entered into treaties with various First Nations. This allowed the Canadian government to pursue economic growth and settlement in the Canadian West and the North. The treaties are numbered 1 to 11 and are often referred to as the “numbered treaties.” These agreements gave large areas of First Nations land to the Crown in exchange for reserve lands, hunting and fishing rights, and various other kinds of compensation, such as farm equipment, clothing and annual payments.

When the terms of the treaty are considered today, the benefits to the Crown outweigh the benefits to First Nations people. Why did the Native peoples sign these treaties? What is the impact of these treaties today?

Each of the eleven treaties was unique but to get a deeper understanding of the complexity of these historical negotiations, it is useful to delve deeper into the multiple perspectives found in the story of a single treaty.

Treaty 9: Considering Diverse Points of View

Treaty 9, the James Bay Treaty, was negotiated in 1905 between the Treaty Commissioner for Ontario and First Nations leaders. This treaty effectively put northern Ontario into the government’s hands, but First Nations leaders believed that they were signing an agreement to share the land, not to give it away. This fundamental difference in the meaning of the treaty continues to impact the relationship between First Nations people and other Canadians.

To look at Treaty 9 in greater depth, choose one of the following three activities (A, B or C):

Activity A: Perspectives on Treaty 9

A panel of experts offer different perspectives on Treaty 9 – CBC Radio’s *Ideas*, January 10, 2013: cbc.ca/ideas/episodes/2013/01/10/george-macmartins-big-canoe-trip-2/

Listen to the introduction (up to 3:30 min.) and answer the following questions:

1. What does Treaty 9 state?
2. Who do you think is the greatest benefactor of this treaty? Why?
3. Why do you think that First Nations leaders would sign this agreement?
4. Listen to the rest of the program (50 min.) noting how different points of view are expressed by the eight different experts. Who makes the most and least persuasive argument(s)? What is their argument and what facts do they rely on to make their argument? What further questions would you like to pose to the panelists?

Activity B: Trick or treaty?

Indigenous filmmaker Alanis Obomsawin talks about her film, *Trick or Treaty?*, which focuses on the story behind Treaty 9:

cbc.ca/q/blog/2014/11/18/alanis-obomsawin-asks-were-first-nation-treaties-a-scam/

1. What arguments does Alanis Obomsawin make regarding the injustice of Treaty 9? What is her most persuasive argument?
2. Why is Treaty 9 especially important to Alanis Obomsawin?
3. Why does Treaty 9 still impact the First Nations living under it?
4. What positive changes does Obomsawin see in terms of justice for Aboriginal peoples? Why is she hopeful?

Activity C: The Canadian government’s perspective

Watch the video made by Aboriginal Affairs and Northern Development Canada on pre-1975 treaties: *Cede, Yield and Surrender: A History of Indian Treaties in Canada*. A transcript of the video is also provided.

aadnc-aandc.gc.ca/eng/1100100029174/1100100029176

1. What are the areas of contention and disagreement in the various treaties?
2. Why are the interpretations of treaties so complicated?

Your community

If you want to build a more just and positive relationship with Aboriginal people it is important to commit yourself to further understanding the Aboriginal people who lived and continue to live in your community. Researching the following questions may begin your journey of understanding, acceptance and reconciliation.

If you are of Aboriginal heritage, find ways to deepen your sense of belonging, knowledge and understanding of your culture, language, beliefs and communities.

1. Who were the Aboriginal peoples who lived in your community in the past? Research whether or not there is a specific treaty related to the land of your community.

A helpful site to determining treaties in your community and province –
Maps of Treaty Making in Canada
aadnc-aandc.gc.ca/eng/1100100032297/1100100032309

2. Who are the Aboriginal peoples living in your community today?

3. Take action such as visiting a Native Friendship Centre, reserve or Aboriginal organization or community event both to increase your understanding and to celebrate the knowledge and culture of Aboriginal peoples in your community.

Acknowledging the land

In some public spaces, land owners who want to show respect for Indigenous people are posting a sign or marker to acknowledge the (shared) traditional territory that they inhabit.

As a way of demonstrating respect for Indigenous people, at the beginning of many events, conferences and workshops — particularly those pertaining to community, education and diversity — an acknowledgement of the (shared) territory is offered by the host.

The following is a script suggested by Safe Harbour, a BC provincial diversity program, for use at events:

“I wish to acknowledge the ancestral, traditional and unceded Aboriginal territories of the _____ Peoples (e.g. Coast Salish), and in particular, the _____ First Nation (e.g. Squamish, Musqueam, Tsleil-Waututh) on whose territory we work, live and play / on whose territory we stand.”

What do you think of this practice of acknowledging the land?

Further Your Understanding

Research the Two Row Wampum, a cultural artifact of the First Nations people of Eastern Canada that exemplifies the complexity of treaty issues.

VIDEO REVIEW

Pre-viewing

1. Brainstorm as many examples as you can of conflicts, internationally and in Canada, that involve land rights. Why do you think issues of land rights are complex and high stakes for all parties involved?

2. Considering the results of your inquiry on First Nations Treaties and land rights, what do you think are the key areas of conflict and potential cooperation between First Nations people and Canadian provincial governments?

While viewing

1. Why did the developer buy the land?

2. How much land was purchased? 60 acres 100 acres 160 acres

3. Why is the land sacred to the Sumas First Nation?

4. There was a similar land dispute over this land ten years ago. True False

5. The BC Government keeps a registry of First Nation graves and spiritual sites but that information isn't shown on land title documents when someone buys a property. True False

6. What have Canadian museums recently returned to the Stó:lō people?

7. Why does the developer John Glazema want compensation from the province?

8. Which provincial government ordered Darlene Necan, a homeless First Nations woman, to stop building a home where she once lived?



9. What hardships does Darlene Necan face?

10. Why does she not live on her own reserve?

11. Who do supporters of Darlene Necan want to intervene in this case?

12. Why is it unlikely that the Crown will back down and allow Darlene to build her home?

Post-viewing

There are many regions of Canada that do not have treaties, or other legal agreements regarding land ownership. Since 1975 the Canadian government has settled 15 “comprehensive land claims” with Aboriginal people in Canada. First Nations can file “specific claims” with the Canadian government if they feel that treaty or other legal agreements have been broken or they have grievances related to how the government administers lands and assets under the Indian Act.

Consider the excerpts from two websites (on the following page) regarding First Nation treaties and land claims in Canada. One represents the viewpoint of the Canadian government, the other the viewpoint of Amnesty International.

Post-viewing, continued...

1. What is the source? What is the intended purpose of each organization?
2. What is the viewpoint presented?
3. Who is the intended audience?
4. Which viewpoint do you think is more credible? Why?
5. What further questions and research could you undertake to examine these viewpoints in more depth?

1

Aboriginal Affairs and Northern Development Canada (AANDC)

AANDC negotiates and implements land claim and self-government agreements on behalf of the Government of Canada. The Department is also responsible for fulfilling obligations in historic treaties.

Strong partnerships among Aboriginal people, governments and the private sector are emerging as we address outstanding land claim and treaty issues and work toward self-government. Land claims and self-government agreements achieve the following:

- greater certainty over rights to land and resources therefore contributing to a positive investment climate and creating greater potential for economic development and growth;
- greater control for Aboriginal people and Northerners over the decisions that affect their lives.

Source: Acts, Agreements, Treaties and Land Claims. Retrieved from Aboriginal Affairs and Northern Development Canada: aadnc-aandc.gc.ca/eng/1100100028568/1100100028572

2

Amnesty International – "A National Commitment?"

The Canadian Constitution affirms the inherent rights of Indigenous peoples and the Treaties that they have entered into with Canada. Canadian courts have called the protection of Indigenous rights "an underlying constitutional value," "a national commitment" and a matter of "public interest."

Governments in Canada are supposed to act as guarantors of these rights. Instead, in positions taken during negotiations and before courts, governments in Canada have consistently sought to minimize their responsibilities. Processes to resolve disputes over Indigenous land rights are so adversarial, prolonged and costly that the Inter-Commission on Human Rights has concluded that lands claims processes in Canada don't meet international standards of justice.

Source: Indigenous Peoples in Canada. Retrieved from Amnesty International: amnesty.ca/our-work/issues/indigenous-peoples/indigenous-peoples-in-canada