The Land: Part Two

***After reading the pages below, respond to the following question in a series of detailed, well-developed paragraphs:***

Using specific examples from “The Land: Part Two Handout,” discuss the effect treaties have had on Aboriginal peoples from the earliest treaties to more recent history. Also, discuss the ongoing importance of treaties in today’s world.

***Some sub-questions to consider, or perhaps use to form your paragraphs around:***

* How have treaties defined the relationships between First Nations, Metis, Inuit, and non-Aboriginal peoples in Canada?
* In what ways have treaties changed over time? How have these changes affected First Nations, Metis and Inuit peoples?
* Why are treaties still relevant today?

**Assessment**

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| **Criteria / Level** | **Level 4** | **Level 3** | **Level 2** | **Level 1** |
| Application | Research is present, thoroughly completed and has been applied to essay response | Research is present and complete | Research is present and somewhat complete | Research is present, but of limited detail |
| Knowledge | Response is thoroughly supported with accurate details | Response is considerably well supported with accurate details | Response contains some support | Response contains limited support |
| Thinking | Absolutely none of the response has been copied from the handout. All thoughts have clearly been generated by the student | Some of the response has been more or less copied from the handout | Significant portions of the response have been copied from the handout | The students has obviously hoped they might answer the question by patching together random bits from the handout |

Treaties

*“People sometimes wonder why we have struggled so long to sign a treaty. Why, we are asked, did our elders and elected officials dedicate their lives to a resolution of the Land Question? What is it about a treaty?*

 *To us, a treaty is a sacred instrument. It represents an understanding between distinct cultures and shows respect for each other’s way of life. We know we are here for a long time together. A treaty stands as a symbol of high idealism in a divided world. That is why we have fought so long, and so hard.”*

* *Nisga’a Chief Joseph Gosnell in a speech to the British Columbia legislature on December 2, 1998*

***Treaty Defined: A negotiated agreement between Aboriginal peoples and the government that spells out the rights of the Aboriginals with respect to lands and resources over a specified area. It may also define the self-government or sovereignty of a particular Aboriginal people.***

**The Early Treaties**

Treaty agreements were created among First Nations for millennia. Some were informal and some were more formalized with a feast, wampum belt or a pipe ceremony.

 When Europeans including the Dutch, British, and the French came to North America, they negotiated treaties with First Nations to secure peace and co-operation. Each partner in the treaty formalized the relationship in a different way to reflect its enduring importance. Some First Nations used a sacred pipe ceremony or created a wampum belt to record a treaty in a symbolic form. Often, First Nations used tobacco to formalize an understanding between one another. European nations usually formalized a treaty by recording its terms on paper, which all involved parties then signed. These different ways of formalizing treaties reflected the parties’ own world view and understanding.

 Many pre-contact treaties amongst First Nations dealt with matters of peace and co-operation, although at times territory was also involved. The alliance among the Mohawk, Oneida, Onondaga, Cayuga, and Seneca, which resulted in the Haudenosaunee of Five Nations Confederacy, took place about 1000 CE, more than 500 years before early, European exploration. The Five Nations formalized this alliance by creating what is known as the Hiawatha Wampum Belt.

 The Haudenosaunee Confederacy was formed under the Great Law of Peace. The Five Nations agreed that their separate territories would become one land. They gave the Grand Council of Chiefs the authority to protect these united lands for the sake of future generations. This agreement was memorialized in the “One Dish, One Spoon” wampum belt. In the words of the 19th century wampum keeper John Buck, the one dish in the centre of the belt indicates that “what belongs to one will belong to all.

 No matter the form of the agreement or the terms involved, every treaty, as Chief Joseph Gosnell noted of the Nisga’a Treaty of 1998, was thought of as a “sacred instrument.”

**Why Make Treaties?**

 When the French and British first settled in North America, they were few in number and unfamiliar with the land and the challenges it represented. Because of this they frequently relied on assistance from First Nations in order to survive and flourish in the new land. They also needed partners for their business endeavours, such as the fur trade, and they needed allies in their wars against other European nations.

 First Nations, for their part, also saw the benefits of forming partnership alliances and trade relationships. Life was made easier for people who had woollen blankets, steel knives, and iron fish hooks. Guns were, of course, a huge advantage in hunting and war.

 The answer, then, was the creation of treaties that would guarantee both sides got what they wanted. The Europeans wanted to make agreements with the First Nations with whom they had contact, and vice versa. First Nations who did not live in areas of interest to the Europeans, as well as Inuit in Arctic regions, did not participate in treaty-making until more recently.

 The first treaties were agreements for co-operation, peace, and mutual aid, often with an eye to encouraging trade relationships and obtaining goods and resources. It was not long, however, before land became the most important issue in what is now Canada. Britain and France wanted to increase the size of their empires. They wanted ownership and control of First Nations lands in order to control their resources, which would bring them wealth and power. Many of the European nations were in near-constant states of war, mainly Britain and France, and they needed the lands as a power base. They needed to create and populate colonies to help establish their nation’s political claim to these new lands, and they began to entice people to the New World using many different strategies.

 When the British finally defeated the French, they established formal rules for negotiating land treaties with First Nations. These rules were laid out in a document known as the **Royal Proclamation of 1763[[1]](#endnote-1)**. To this day, the ideas contained within this document have had a significant influence on the relationship between Canada and Aboriginal peoples.

**The Numbered Treaties**

 In 1869, the Hudson’s Bay Company returned the deed to its vast holdings in Rupert’s Land and the North-Western Territory to the British government. In 1870, the land was transferred to the newly formed Dominion of Canada, which had been confederated in 1867. In all ways, it was a huge sale. The lands included what are no Manitoba, Saskatchewan, Alberta, Nunavut, the Yukon, and parts of the Northwest Territories. The sale was also controversial. In direct violation of the Royal Proclamation of 1763, the lands were sold without consulting any of the First Nations, Metis or Inuit peoples who had lived there for generations.

 Many Aboriginal peoples were outraged by the sale and wrote to the government in protest. In an 1871 letter, Cree chiefs from Saskatchewan stated, “We heard that our lands were sold and we did not like it; we don’t want to sell our lands; it is our property, and no one has the right to sell them.”

 In 1869, to protect their rights to their homeland, the Metis at the Red River Settlement in Manitoba formed their own government, led by Louis Riel. This Red River Resistance, as it became known, convinced the Canadian government to negotiate with the Metis. The government realized that it would have to make treaty agreements if they wanted to open the West for peaceful settlement. The first of these treaties, which happened to be the first treaty between any Aboriginal group and the new Canadian Government, was signed in 1871. Over the next 50 years, 10 more treaties were signed. These treaties are known today as the **Numbered Treaties**.

**Concerns With the Numbered Treaties**

 Ever since the Numbered Treaties were signed, they have been the subject of intense debate. Over the years, the Canadian Government has insisted that the treaty documents are fair and honest accounts of the negotiations. The First Nations, however, have raised many concerns about the way the treaties were negotiated and written down. The following is a list of commonly voiced concerns:

* Poor translations: the documents were not properly explained in the relevant First Nations languages
* Unclear terminology: terms such as “land surrender” did not exist in First Nations languages nor correspond to any First Nations concepts
* Misunderstandings: government negotiators saw treaties as land surrenders; First Nations saw it as a *sharing* of resources
* Unequal negotiations: the government was unified but First Nations negotiators were not
* Oral promises: the government made promises during the negotiations that were not included in the final written text of the treaties
* Broken promises: the government did not always live up to its promises of money, food and supplies

**Modern Treaties**

Many Canadians believe that treaties are a thing of the past and that treaty-making no longer occurs in this country. Although this belief is incorrect, there was a time during the 20th century when no treaties were made. From 1927 to 1951, the Indian Act made it illegal for First Nations to use band (tribe) funds to file land claims.

 Additionally, in British Columbia, except for a few small treaties on Vancouver Island, no treaties were negotiated with First Nations during the 19th century and for most of the 20th century. The federal government said its jurisdiction (area of authority) did not extend to First Nations west of the Rocky Mountains. Provincial leaders refused to negotiate with First Nations over land rights, claiming that Aboriginal title had been extinguished when British Columbia had joined confederation in 1867. So, the province wouldn’t negotiate because they had joined the rest of Canada and the rest of Canada wouldn’t negotiate because they claimed to have no authority there.

 Despite these obstructions, Aboriginal peoples in B.C. and elsewhere never stopped asserting their rights to traditional lands. They never stopped insisting that the Crown (meaning the king or queen of England who technically was the head of our government) recognize these rights through treaties, or “land claim agreements” as they are more formally known.

 For example, in 1971, Quebec Premier Robert Bourassa announced that the province would undertake a large-scale hydro-electric project that would affect the James Bay watershed, the area containing the rivers that flow into James Bay in northern Quebec. In the plan’s first phase, three rivers would be diverted into La Grande River by building dams and creating vast reservoirs. The project also required the construction of a network of roads and power lines.

 Cree people had lived in this area for thousands of years and still did in several small villages where they followed a traditional lifestyle based on hunting, trapping and fishing. Nevertheless, the government never directly notified the James Bay Cree about the project. The people found out about the government’s plan through the media.

 The separate villages never met together as a group, but under the influence of 23-year-old Chief Billy Diamond, they met and issued a resolution stating the reasons for their opposition to the project. The Quebec government ignored the Cree and their concerns, even though no treaty covering their lands had ever been signed.

 The Cree then sought an **injunction[[2]](#endnote-2)** to stop the project. They had to present the court with two pieces of evidence to win their injunction. The Cree had to prove that:

* They had never ceded, or given up, their land to the government
* The project would have a negative impact on their way of life

 It took the James Bay Cree about a year to put together the necessary legal documents, but in 1973, a Quebec judge agreed with their petition and issued an injunction to halt the project. The provincial government now realized the Cree had a strong enough case to mount further legal challenges. This brought the two sides to the negotiating table. The James Bay and Northern Quebec Agreement was signed with the James Bay Cree and several Inuit communities that lived to the north in 1975.

 It was the first treaty signed since the 1920s and covered a total area of 1.1 million square kilometres. It reserved 14 000 square kilometres exclusively for James Bay Cree communities and the same for Inuit communities and gave the Cree and the Inuit the exclusive right to hunt, fish, and trap over a region of 150 000 square kilometres. The Cree and Inuit also received a cash settlement of $225 million and control over local government, schools and health services.

1. The Royal Proclamation of 1763 was a document issued by Britain that declared that First Nations were both self-governing and under the “protection” of the British government. Do you see how those two ideas might contradict each other? [↑](#endnote-ref-1)
2. A legal term for an order given by a court to stop an activity, or to restrict a person’s or an organization’s ability to act [↑](#endnote-ref-2)