

FOCUS



This section will help you understand

- why governments in Canada and First Nations signed treaties
- the implications of these treaties today.

Why Were Treaties Signed?

The year 1869 was a significant one. In that year, the Canadian government bought Rupert's Land (which included all lands draining into Hudson Bay) from the Hudson's Bay Company. A vast new area of land was open for settlement. Between 1871 and 1929, a number of treaties were signed between Aboriginal nations and Canadian governments for these lands. What was the government's motivation in signing these treaties?

Government officials feared the area was open to an American takeover. Prime Minister John A. Macdonald was determined to fill the area with settlers and secure Canada's claim.

Following the terms set by the Royal Proclamation of 1763, agreements had to be made with Aboriginal peoples for their lands.

In the United States, conflicts between Aboriginal nations and settlers had been bloody. In parts of Canada, there had already been unrest where settlers had moved into lands occupied by Aboriginal nations. As a result of these conflicts, the government signed the Robinson-Superior and the Robinson-Huron treaties covering the north shore of Lake Huron and Lake Superior in 1850.

The government was determined to continue its policy of acting as guardian and gradually assimilating Aboriginal peoples. By creating reserves, lands set aside for Aboriginal peoples on which they would have hunting and fishing rights, Aboriginal peoples would be "protected." The government could also control their education and convert their way of life to farming.

What was the motivation of Aboriginal nations? Aboriginal peoples were not prepared to allow settlers to simply take possession of their lands. Their resistance put pressure on the Canadian government to negotiate.

Aboriginal leaders such as Chief Crowfoot of the

Blackfoot Nation, worried about the destruction of the buffalo herds, their way of life was collapsing. They needed assurances for their futures and new means of livelihood when they could no longer follow their traditional economies.

- ▶ As independent peoples and nations, Aboriginal leaders were prepared to negotiate with the officials of the Canadian government to protect their rights and their peoples or to fight for those rights.

The first treaties guaranteed Aboriginal bands a reserve of their choice (land grants ranged from 160 to 640 acres per family of five), schools, annual payments of around \$5 per person, livestock and farming tools, ammunition, seeds, and the right to hunt and fish in unoccupied land. Aboriginal peoples also insisted that the government provide education and instruction in farming.

The Treaties Today

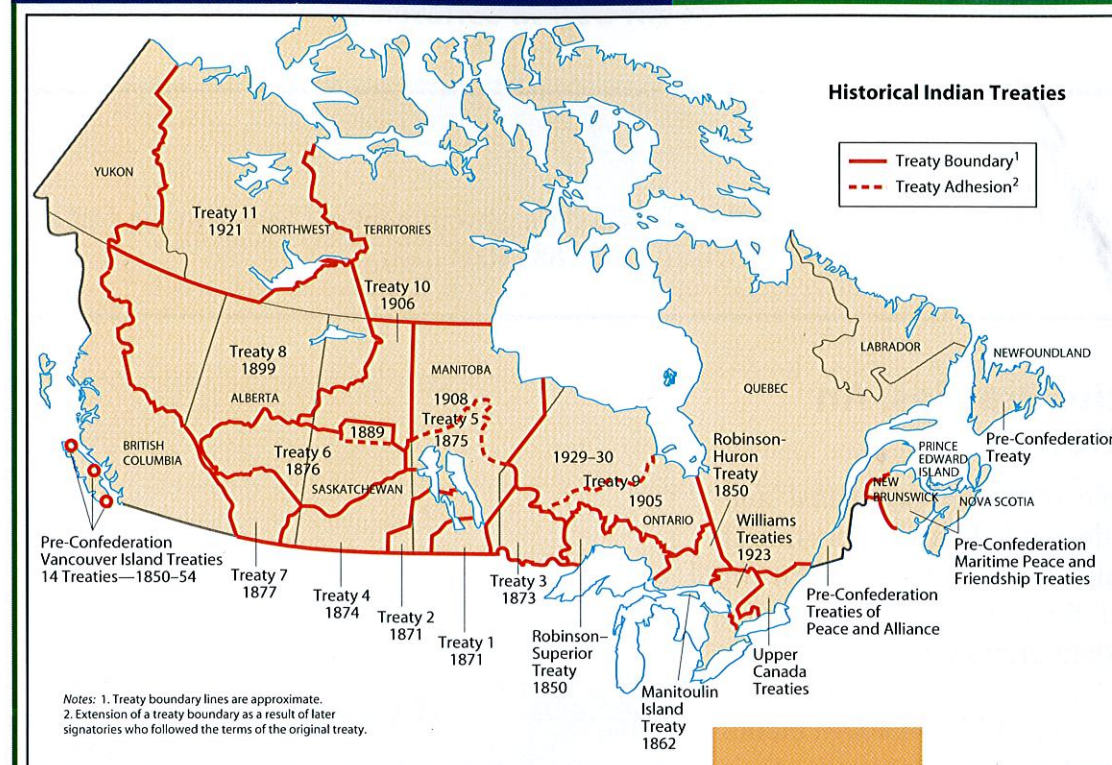
Since the 1870s, many Aboriginal peoples have claimed that the treaties have been misinterpreted and that many terms have not been honoured. For example, the treaties did not include some oral promises made by government negotiators. Aboriginal peoples consider the oral promises binding and believe the treaties need to be reinterpreted in light of these oral promises. Elders in the Treaty 7 area, for example, say their oral history shows their ancestors believed they were signing an agreement of peace, friendship, and mutual support. In other words, they never intended to surrender their lands permanently to the government. They only intended to share their lands.

Areas Without Treaties

Many parts of the country are not covered by treaties. Today, Canadian governments are still signing agree-

MAP STUDY

TREATY AREAS



In which areas of Canada were treaties signed before 1900? Where were they signed after 1900? How can you explain this pattern? Which areas of the country were not covered by treaties?

title—the land rights Aboriginal people have based on their traditional occupation of land. In British Columbia, for example, the provincial government did not recognize Aboriginal title to lands after British Columbia joined Canada in 1871. Since that time, First Nations in the province have fought to have their Aboriginal title recognized.

Throughout Canada, First Nations have consistently argued that they have rights to their traditional lands. Recently, in three famous decisions—the Calder case of 1973, the Baker Lake case of 1979, and the Delgamuukw case of 1997—the Supreme Court of Canada has agreed with them. These cases establish the fact that in areas without treaties First Nations, because of their original habitation of the land, have rights to use the land that continue to this day.

Eyewitness

During the treaty making process of the 1870s, translation of the documents from English into the various Aboriginal languages was a problem. In some cases, translators were not sufficiently fluent in the relevant Aboriginal languages, and in others, some crucial English concepts such as *square mile*, *surrender*, *reserve* or *title* did not have equivalents in Aboriginal languages. In fact, equivalents of these words were only introduced into the Blackfoot language in the 1900s.

During the negotiation of Treaty 7 in 1877, official records of the negotiation process show that translators only relayed one-sixth of the full presentation of the Canadian negotiators. One Stoney Nation Elder, in describing the oral history of the negotiation, says that the Stoney people:

"... did not know in the White people's language what surrender meant — they did not talk about giving anything up... The White people [government] had placed this term in the treaty but the Natives did not know or were not aware of it, and thus did not talk about giving up anything."

— Stoney Nation Elder quoted in *The True Spirit and Original Intent of Treaty 7* (Kingston: McGill-Queen's University Press, 1996), p. 131.

RECONNECT



- Why did the federal government sign treaties with First Nations?
- Identify two reasons why some First Nations disagree with the government about the